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STATUTES

OF THE

PROVINCE OF ONTARIO

1952 (2d sess.) — 1953

PASSED IN THE SESSION HELD IN THE

First Year of the Reign of Her Majesty
QUEEN ELIZABETH II

Being the Second Session of the Twenty-Fourth
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWENTIETH DAY OF
OCTOBER IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FIFTY-TWO



ONTARIO



567549
4.8.53

HIS HONOUR LOUIS ORVILLE BREITHAAPT
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty
1952

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ONTARIO

1 ELIZABETH II

(SECOND SESSION)

CHAPTER 1

An Act respecting an Agreement between the Government of Canada and the Government of Ontario for the Suspension of Certain Taxing Acts by Ontario

*Assented to October 23rd, 1952
Session Prorogued October 23rd, 1952*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Treasurer of Ontario is authorized on behalf of Her Majesty the Queen in right of Ontario to sign an agree-^{Authority to sign agreement}ment between the Government of Canada and the Government of Ontario in the form set out in the Schedule to this Act or in such other form or to such other effect as the Lieutenant-Governor in Council may approve.

2. When the agreement mentioned in section 1 is signed by the Treasurer of Ontario under the authority of this Act and by the Minister of Finance for Canada under the authority of the Parliament of Canada, it is valid and is binding upon^{When deemed to be valid and binding upon Ontario} Her Majesty the Queen in right of Ontario.

3. *The Income Tax Act* (Ontario), being chapter 25 of the Revised Statutes of Ontario, 1937, is repealed as of the 1st day of January, 1952.^{R.S.O. 1937, c. 25, repealed}

4. No tax shall be levied under *The Income Tax Act* upon income of the calendar years 1952, 1953, 1954, 1955 and 1956, and no person shall be required, without a demand in writing from the Treasurer of Ontario or a person thereunto authorized by the Treasurer, to file returns under that Act in respect of income of those years.^{Personal income tax suspended Rev. Stat., c. 175}

5.—(1) No tax shall be levied under sections 14 and 15 of *The Corporations Tax Act* on income of the calendar years 1952, 1953, 1954, 1955 and 1956.^{Corporation income tax suspended Rev. Stat., c. 72}

(2) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide^{Idem}

with the calendar year but ends in the calendar year 1952, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1952 bears to the total number of days of such fiscal year.

Idem

Rev. Stat.,
c. 72

(3) Nothing in this section affects the levy of the tax under sections 14 and 15 of *The Corporations Tax Act* on the income of a corporation the fiscal year of which does not coincide with the calendar year but ends in the calendar year 1957, and in such case the amount of such tax shall be reduced in that proportion thereof which the number of days of such fiscal year that are in the calendar year 1956 bears to the total number of days of such fiscal year.

Other
corporation
taxes
suspended

6. Subject to section 5, no tax that becomes due and payable under *The Corporations Tax Act* after the 31st day of December, 1951, and before the 1st day of January, 1957, shall be levied.

Fiscal
years of
companies

7.—(1) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1950 shall, for the purposes of this Act, be deemed to have ended the fiscal year next following exactly twelve months after the close of the first-mentioned fiscal year or other fiscal period.

Idem

(2) Subsection 1 does not apply to a company that ceased to have an office or to hold assets or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1951.

Idem

(3) Notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company the fiscal year or other fiscal period of which ended on a day of the calendar year 1951 shall, for the purposes of this Act, be deemed to end its fiscal year in the calendar year 1957 on the same day in such year as its fiscal year or other fiscal period ended in the calendar year 1951.

Idem

(4) Except as provided by subsection 3 and notwithstanding subsections 2 and 3 of section 2 of *The Corporations Tax Act*, every company incorporated on or after the 1st day of January, 1951, shall, for the purposes of this Act, be deemed to end its fiscal year ending in the calendar year 1957 on the day in that year exactly twelve months or a multiple of twelve months following the day on which it was incorporated.

Idem

(5) Subsections 3 and 4 do not apply to the last fiscal period of a company that ceased to have an office or to hold assets

or to transact business in Ontario or the existence of which was terminated on a day of the calendar year 1957.

8. No tax shall be levied under section 288 and subsection 9 of section 293 of *The Insurance Act* on premiums or deposits collected during the calendar years 1952, 1953, 1954, 1955 and 1956 from subscribers in respect of risks located in Ontario. Reciprocal exchanges Rev. Stat., c. 183

9. The Treasurer of Ontario is authorized, for the purpose of carrying out the terms of the agreement mentioned in section 1, to make refunds of taxes referred to therein without interest. Refunds authorized

10.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each of the calendar years 1952, 1953, 1954, 1955 and 1956 the sum of \$250,254.58 and the sum so set apart shall, on the 31st day of December in each of such years, be credited to the cities, towns and villages and organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding census taken under the authority of the Parliament of Canada, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this section, and such sum shall be in lieu of the sum to be set apart from the Consolidated Revenue Fund under subsection 1 of section 46 of *The Corporations Tax Act*. Distribution of subsidy to municipalities

(2) Subsections 2, 3, 4, 5 and 6 of section 46 of *The Corporations Tax Act* apply to the sum of \$250,254.58 to be set apart under subsection 1. Application of Rev. Stat., c. 72, s. 46, subs. 2-6

11. The Lieutenant-Governor in Council may terminate the agreement mentioned in section 1 in accordance with its terms. Termination of agreement

12.—(1) This Act, except sections 3 to 11, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 11 come into force on the day that the agreement mentioned in section 1 becomes valid and binding under section 2. Idem

13. This Act may be cited as *The Corporations and Income Taxes Suspension Act, 1952*. Short title

[NOTE.—*The agreement mentioned in section 1 was signed on the 29th day of October, 1952.*]

COVENANT

COVENANT BY THE PROVINCE

2. Subject as hereinafter provided,

- (a) the Province will not impose or permit any municipality to impose
 - (i) individual income taxes or corporation income taxes on income of the period commencing on January 1, 1952, and ending on December 31, 1956, or
 - (ii) corporation taxes on corporations payable during, or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on during, the said period;
- (b) without restricting the generality of subparagraph (a), the Province will take such action as is necessary to ensure that neither the Province nor any municipality will assess, levy, or collect any of the taxes therein mentioned in or in respect of the period therein mentioned and in particular, but not so as to restrict the generality of the foregoing, will repeal, suspend or nullify or cause to be or to remain repealed, suspended or nullified, during the said period the enactments enumerated in Appendix "A" imposing the taxes mentioned in the said subparagraph and any other enactments of the Province providing for the imposition of the said taxes, and will not, during the said period amend, revise, re-enact or bring into operation any of the said enactments or enact any new enactments in the place thereof; and
- (c) the Province will not impose or permit any municipality to impose any tax on any security or any other tax that would have the effect of evading the true intent and purpose of this agreement which is, except as specifically provided in this agreement, to secure the sole occupancy of the individual income, corporation income and corporation tax fields to Canada during the period mentioned in subparagraph (a).

NATURAL RESOURCES

3.—(1) Notwithstanding anything contained in clause two, the Province may, during the period commencing on January 1, 1952, and ending on December 31, 1956, impose, levy and collect royalties and rentals on or in respect of natural resources within the Province.

(2) Notwithstanding anything contained in clause two, the Province and any municipality authorized by the Province may, during the period mentioned in paragraph one of this clause, impose, levy and collect taxes on income derived from mining operations or income derived from logging operations, or from both, carried on in the Province during the said period, but the Province will not permit a municipality to impose such a tax except in lieu of a tax on property or on any interest in property, other than residential property or any interest therein, of the person carrying on the said mining or logging operations.

(3) Canada will allow as a deduction in computing income under The Income Tax Act of the period mentioned in paragraph one of this clause, royalties and rentals, and taxes, mentioned in paragraphs one and two of this clause, respectively.

COMPUTATION AND MANNER OF PAYMENT

DETERMINATION OF PAYMENT

4.—(1) The guaranteed minimum annual amount referred to in clause one is \$101,801,370, being the sum of the following amounts:

- (a) the amount of \$14,691,850, being the estimated yield of an individual income tax of 5% of the individual income tax payable to Canada by residents of the Province for the taxation year 1948;

(b)

- (b) the amount of \$67,565,566, being the estimated yield of a corporation income tax of $8\frac{1}{2}\%$ on the income of corporations attributable to their operations in the Province in the taxation year 1948;
- (c) the amount of \$16,388,947, being the average annual amount of revenue received by the Province under the Succession Duty Act in the fiscal years of the Province ending in 1947, 1948 and 1949; and
- (d) the amount of \$3,155,007, being the amount of statutory subsidies payable by Canada to the Province in respect of the calendar year 1948.

(2) The adjusted annual amount referred to in clause one will, in respect of a fiscal year, be an amount determined with reference to the calendar year immediately preceding that fiscal year, such amount being the greater of

- (a) the guaranteed minimum annual amount, or
- (b) the amount that is the product of \$101,801,370 (the guaranteed minimum annual amount) and the product obtained by multiplying
 - (i) the ratio that the value of the gross national product per capita in that calendar year bears to the said value in the calendar year 1948,

by

- (ii) the ratio that the population of the Province for that calendar year bears to the said population for the calendar year 1948, which, it is agreed, was 4,359,695 persons.

(3) For the purposes of paragraph two of this clause,

- (a) the ratio that the population of the Province for each of the calendar years 1951, 1952, 1953, 1954 and 1955 bears to the said population for the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician, and for the purpose of computing the said ratio, the population of the Province shall be,
 - (i) for the calendar year 1951, 4,597,542 persons, being the population of the Province as ascertained by the census thereof taken in that year, and
 - (ii) for each of the calendar years 1952, 1953, 1954 and 1955, the population of the Province as estimated by the Dominion Statistician, and where a census is taken in the Province in the calendar year 1956, the population of the Province for each of those years as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951;
- (b) the population of Canada, for the purpose of computing the gross national product per capita, shall be,
 - (i) for the calendar year 1948, 13,283,728 persons, being the sum of the populations of the Provinces of Canada, Newfoundland, and the Yukon and Northwest Territories, computed by the Dominion Statistician on the assumption that the population of each province changed uniformly in each year between 1942 or the year of the census last preceding the year 1948, whichever was later, and the population of 1951 as ascertained by the census thereof, and that for the purpose of such com-

putation the 1948 population of Newfoundland was 344,694 persons, of the Yukon Territory was 7,731 persons, and of the Northwest Territories was 14,669 persons,

- (ii) for the calendar year 1951, 14,009,429 persons, being the population as ascertained by the census thereof taken in that year, and
- (iii) for each of the calendar years 1952, 1953, 1954 and 1955, the sum of the populations of the Provinces of Canada, the Yukon Territory and the Northwest Territories in that year, the population of each such Province or Territory to be the population thereof as estimated by the Dominion Statistician or in the case of a Province or Territory in which a census is taken in the calendar year 1956, the population thereof as computed by the Dominion Statistician on the assumption that the population changed uniformly in each year succeeding the calendar year 1951 by one-fifth of the number of persons by which the population in the calendar year 1956, as ascertained by the census thereof, differed from the population in the calendar year 1951; and
- (c) the ratio that the value of the gross national product per capita in any calendar year bears to the said value in the calendar year 1948 shall be the said ratio as certified by the Dominion Statistician pursuant to estimates of the said values made by him on February 28, 1957.

(4) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate provided by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the said population and value, respectively, for the earlier relevant year and a fractional part of one per cent. shall be expressed as a decimal fraction of five digits after the decimal point.

DEDUCTIONS IN RESPECT OF SUCCESSION DUTY CREDITS

5.—(1) As the Province does not in this agreement undertake to refrain from levying succession duties, the Province will pay to Canada an amount equal to the amount of all succession duty credits arising out of deaths occurring during the five fiscal years mentioned in clause one, the payment to be made

- (a) by deductions, as provided in this clause, from amounts otherwise payable by Canada to the Province under this agreement, and
- (b) by payments by the Province to Canada as provided in this clause.

(2) Forthwith after June 15 in each fiscal year mentioned in clause one, the Minister of National Revenue of Canada will furnish to the Province his certificate setting forth the total amount of succession duty credits allowed by Canada in the three fiscal years immediately preceding the said fiscal year irrespective of the times of the deaths out of which the said credits arose and an amount equal to one-third of the total amount of the succession duty credits set out in the certificate shall be deducted as herein-after provided from the amount payable by Canada to the Province under clause seven in that fiscal year, it being considered that the amount so computed will approximate the amount of the succession duty credits that will eventually be allowed by Canada in respect of deaths occurring in that year.

(3) In each of the fiscal years mentioned in clause one, there shall be deducted from each quarterly payment to be made in that year under

paragraph four of clause seven, one-quarter of the amount to be deducted in that year under paragraph two of this clause and the fourth deduction in respect of the fiscal year ending in 1957 shall be made from the amount payable by Canada to the Province under paragraph nine of clause seven.

(4) The amount of any deduction made under paragraph three and the amount to be deducted under that paragraph from the amount payable under paragraph nine of clause seven shall be deducted from the amount payable by Canada to the Province under clause one.

(5) On or before June 15 in the year 1957 and each subsequent year, the Minister of National Revenue of Canada will deliver to the Province his certificate setting forth the amount of succession duty credits allowed by Canada on or before March 31 immediately preceding the delivery of the certificate, arising out of deaths occurring in the five fiscal years mentioned in clause one, and the Province will, on June 30 of that year, pay to Canada the amount, if any, by which

- (a) the aggregate of the succession duty credits as disclosed in the certificate

exceeds

- (b) the aggregate of the deductions made pursuant to paragraph three and the payments theretofore made under this paragraph,

with interest on the said amount at the rate of 3% per annum from December 31, 1954, to the date of payment.

(6) When the Minister of National Revenue of Canada determines finally the total amount of succession duty credits that Canada may allow as a result of deaths occurring in the five fiscal years mentioned in clause one, he shall furnish to the Province a final certificate setting forth

- (a) the total amount of the succession duty credits allowed by Canada as a result of deaths occurring in the five fiscal years mentioned in clause one, and
- (b) the aggregate of the deductions made pursuant to paragraph three and the payments, if any, by the Province pursuant to paragraph five,

and if the amount specified in subparagraph (a) exceeds the amount specified in subparagraph (b), the Province will forthwith pay to Canada the amount of the excess with interest thereon at the rate of 3% per annum from December 31, 1954, to the date of payment, and if the amount specified in subparagraph (b) exceeds the amount specified in subparagraph (a), Canada will forthwith pay to the Province the amount of the excess with interest thereon at 3% per annum from December 31, 1954, to the date of payment.

(7) In this clause "succession duty credits" means the amounts that have been and will hereafter be allowed by Canada as a deduction from succession duty otherwise payable by any person under The Dominion Succession Duty Act in respect of succession duties paid to the Province.

DEDUCTION OF CERTAIN CORPORATION INCOME TAX REVENUE LOSSES FROM THE PAYMENT

6.—(1) Where, during the period commencing on January 1, 1952 and ending on December 31, 1956,

- (a) the whole or any part of the business or undertaking or of the property or assets employed in the business or undertaking of a corporation that is subject to tax under The Income Tax Act is acquired
 - (i) by Her Majesty in right of the Province or by any agent or servant of Her Majesty in such right,

(ii)

- (ii) by any municipality or any public authority in the Province the income of which is exempt from taxation under the said Act, or
- (iii) by any incorporated company the income of which is exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act, or any enactment in the place thereof to the like effect, by reason of ownership of stock by Her Majesty in right of the Province or any agent, servant, municipality, or public authority aforesaid,

with the result that the said corporation ceases to carry on business, or

- (b) the stock of a corporation is so acquired with the result that the income of the corporation thereupon becomes exempt from taxation under paragraph (d) of subsection one of section fifty-seven of the said Act or any enactment in place thereof to the like effect, or
- (c) voting shares of a corporation are so acquired with the result that a majority of the said shares is held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, or
- (d) the whole or any part of the business or undertaking or of the property or assets of a corporation as aforesaid is so acquired or is acquired by a corporation the majority of the voting shares of which are held by Her Majesty in right of the Province or any agent, servant, municipality, public authority, or incorporated company aforesaid, but the corporation does not as a result cease to carry on business,

the loss of revenue under the said Act, computed as provided in this clause, sustained by Canada as a result of the said acquisition in respect of any taxation year or part of a taxation year of the said corporation during the remainder of the said period after the said acquisition, may be deducted in the manner hereinafter provided from the payments remaining to be paid by Canada to the Province under this agreement or shall as hereinafter provided be paid by the Province to Canada.

(2) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (a) or (b) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount of the tax that Canada would have been entitled to receive under The Income Tax Act in respect of the said year but for such acquisition, at the rate of tax applicable in the said year, if the income of the corporation during the said year had been the average annual income of the corporation during the last three complete taxation years prior to the said acquisition, or if the business or undertaking of the corporation was not carried on or operated during the whole of the said three years, the average annual income of the corporation during such portion thereof as the business was carried on or operated.

(3) For the purposes of this clause in the case of an acquisition mentioned in subparagraph (c) of paragraph one of this clause, the loss of revenue sustained by Canada in respect of any taxation year of a corporation shall be the amount by which

- (a) the amount of the tax that Canada would have been entitled to receive in respect of the said year but for such acquisition, computed in the manner described in paragraph two of this clause

exceeds

- (b) the tax that Canada actually becomes entitled to receive under the said Act from the corporation in respect of the said taxation year.

(4) For the purposes of this clause, in the case of an acquisition mentioned in subparagraph (d) of paragraph one of this clause, the loss of revenue sustained by Canada shall be the amount by which the tax actually received by Canada under the said Act from the corporation in respect of the said year is less than the tax Canada would have been entitled to receive but for the acquisition and if the Province and Canada do not agree as to the said amount, it shall be determined by a chartered accountant to be appointed for such purpose by the Minister of Finance of Canada on the recommendation of the President of the Canadian Institute of Chartered Accountants at the request of the Province or Canada.

(5) For the purposes of this clause the amount of the loss of revenue sustained by Canada in respect of a taxation year of a corporation that commences before and ends on or after January 1, 1957, shall be that proportion of the amount of the loss of revenue sustained by Canada in respect of the whole of the said taxation year computed as provided in paragraph two, three or four of this clause, as the case may be, that is the same as the proportion that the number of days in the said taxation year before the said date is of the number of days in the whole of the said year.

(6) The amount of the loss of revenue referred to in paragraph one of this clause sustained by Canada in respect of any taxation year or part of a taxation year of a corporation shall, upon being determined, be deducted from the amount payable under clause one in respect of the fiscal year therein mentioned in respect of which the next following quarterly instalment payable under clause seven is payable, by deducting the said amount in equal shares from the quarterly instalments remaining payable under clause seven at the time of the said determination in respect of the said year.

(7) The Province will pay to Canada an amount equal to any loss of revenue sustained by Canada referred to in paragraph one of this clause that has not been deducted from instalments payable under this agreement by Canada to the Province in the manner hereinbefore in this clause provided, forthwith after payment of the last such instalment if the amount is then determined, or if the amount is not then determined forthwith after the amount thereof is determined.

(8) This clause shall not apply in respect of the acquisition of the business, undertaking, assets, or stock or a company whose chief business is determined by the Minister of National Revenue of Canada to be the generation for distribution to, or the distribution to the public of electrical energy, gas or steam.

MANNER OF PAYMENT

7.—(1) For the purpose of estimating the amount payable in respect of a fiscal year mentioned in clause one, the Dominion Statistician will, not later than the fifteenth day of June in the said fiscal year, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the ratio that the population of the Province for each of the two calendar years preceding the said fiscal year bears to the said population for the calendar year 1948 as the said ratio is then estimated by him, and
- (b) the ratio that the value of the gross national product per capita in each such calendar year bears to the value of the gross national product per capita in the calendar year 1948, as the said ratio is then estimated by him,

except that the first certificate furnished under this paragraph need not set forth the said ratios in respect of the calendar year 1950.

(2) The first certificate issued under paragraph one shall describe the difference, if any, between

- (a) the methods and concepts employed by the Dominion Statistician in estimating the values of gross national product in respect of which the ratios mentioned in subparagraph (b) of paragraph one were established, and
- (b) the methods and concepts described in the book entitled "National Accounts, Income and Expenditure, 1926-1950",

and each subsequent certificate issued under paragraph one shall describe the difference, if any, between

- (c) the methods and concepts mentioned in subparagraph (a), and
- (d) the methods and concepts employed in estimating the said values in respect of which the ratios set out in the last preceding certificate issued by him under paragraph one were established.

(3) The amount payable by Canada to the Province under clause one in respect of any fiscal year therein mentioned shall be estimated forthwith after the certificate is furnished under paragraph one in that fiscal year, and, for that purpose, the calculations provided for in paragraph two of clause four shall be made on the basis of the information in that certificate.

(4) Subject to the provisions of this clause and to the deductions provided for in clauses five and six, Canada will pay to the Province on account of the amount finally to be paid in respect of a fiscal year the amount estimated in accordance with paragraph three of this clause to be payable in respect of that fiscal year, in quarterly instalments in the proportions and on the days following:

twenty-five per cent on June 30, of the fiscal year,
twenty-five per cent on September 30, next following,
twenty-five per cent on December 31, next following,
twenty-five per cent on March 31, next following,

except that the instalments that would otherwise be payable on June 30 and September 30, 1952 shall be paid forthwith after the execution of this agreement and the instalment that would otherwise be payable on March 31, 1957 shall be determined and paid in accordance with paragraph nine.

(5) The estimated amount payable under clause one in respect of a fiscal year therein mentioned commencing in the calendar year 1952, 1953, 1954 or 1955, shall be recalculated forthwith after the fifteenth day of June in the next following fiscal year on the basis of the relevant ratios of population and of values of gross national product per capita set out in the certificate of the Dominion Statistician furnished under paragraph one of this clause in the said next following fiscal year.

(6) If the amount estimated to be payable under clause one recalculated in accordance with paragraph five is greater than the said amount as estimated under paragraph three, Canada will be liable to pay to the Province, or if less, the Province will be liable to pay to Canada, at the time for payment of the instalment under this clause next following the said recalculation, the amount of the difference; and if the amount of the difference is payable by the Province to Canada, Canada may deduct the said amount from the said following instalment or any subsequent instalment under this agreement.

(7) The Dominion Statistician will, as soon as is possible after February 28, 1957 but not later than April 15, 1957, furnish to the Minister of Finance of Canada and to the Provincial Treasurer of the Province respectively, his certificate setting forth

- (a) the population of the Province and the population of Canada for each of the calendar years 1951, 1952, 1953, 1954 and 1955, computed as provided in subparagraphs (a) and (b), respectively, of paragraph three of clause four, and the ratio that the population of the Province for each of the said years bears to the population of the Province for the year 1948;

(b)

- (b) the value of the gross national product in each such calendar year as then estimated by him and the ratio that the said value per capita in each such calendar year bears to the said value per capita in the year 1948 as then estimated by him; and
- (c) the difference, if any, between the methods and concepts employed by him in estimating the values of the gross national product in respect of which the ratios mentioned in subparagraph (b) of this paragraph were established and the methods employed by him in estimating the said values in respect of which were established the ratios previously certified by him pursuant to which
 - (i) the estimated amount payable under clause one in respect of each of the fiscal years mentioned in paragraph five was recalculated as provided in the said paragraph, and
 - (ii) the estimated amount payable in respect of the fiscal year commencing in the calendar year 1956, was calculated as provided in paragraph three,

and the certificate shall be final and conclusive for the purpose of this agreement.

(8) The total amount payable by Canada to the Province under clause one in respect of the five fiscal years mentioned therein shall be finally calculated forthwith after the certificate is furnished by the Dominion Statistician in accordance with paragraph seven, the said calculations to be made on the basis of the information in the certificate.

(9) Subject to paragraph eleven, Canada will, within fifteen days after the day on which the Dominion Statistician furnishes his certificate under paragraph seven, but not later than April 30, 1957, pay to the Province as a final payment the amount by which

- (a) the total amount payable by Canada calculated under paragraph eight

exceeds

- (b) the aggregate of the payments made on account thereof by Canada to the Province under this Agreement and the amounts, if any, deducted pursuant to clauses five and six,

and payment accordingly shall fully discharge Canada's obligation under clause one.

(10) If the amount specified in subparagraph (b) of paragraph nine exceeds the amount specified in subparagraph (a) thereof, the Province will, on May 15, 1957, pay to Canada an amount equal to the excess.

(11) If on the day on which the final amount is or could otherwise become payable by Canada under paragraph nine any matter affecting the payment by Canada of the final amount or any instalment pursuant to this clause, is before or is about to be submitted to the courts pursuant to clause ten, payment of that amount or that instalment, as the case may be, will be withheld until the matter has been finally decided and the amount in question shall thereafter in whole or in part be paid to the Province or retained by Canada in accordance with the final decision.

(12) For the purpose of establishing the ratios to be certified by the Dominion Statistician under this clause in respect of the value of gross national product per capita, any part of a dollar included in the value of gross national product per capita shall be expressed as a decimal fraction of five digits after the decimal point, and, in any certificate furnished by the Dominion Statistician under this clause, the ratios therein mentioned in respect of the population of the Province and of the value of gross national product per capita shall be expressed as the percentage that the said population and value, respectively, for the later relevant year, are of the

said population and value, respectively, for the earlier relevant year and a fractional part of one per cent shall be expressed as a decimal fraction of five digits after the decimal point.

(13) Any amount payable by the Province to Canada under paragraph ten of this clause or paragraph six of clause five may, if it is not paid, be recovered as a debt due to Canada by way of deduction or set off out of any amount payable by Canada to the Province.

GENERAL PROVISIONS

UNDERTAKINGS RESPECTING CERTAIN PROVINCIAL TAXES

8.—(1) The Province and any municipality may, notwithstanding anything contained in clause two, during the period mentioned therein,

- (a) collect individual income taxes, corporation income taxes and corporation taxes, the liability for which arose prior to the time after which the Province agreed in the Wartime Agreement Tax not to impose such taxes and the collection of which by the Province was permitted during the term of the said Wartime Tax Agreement; and
- (b) collect corporation income taxes and corporation taxes the liability for which arose prior to January 1, 1952, and after the period during which the Province agreed, in the Wartime Tax Agreement, not to impose such taxes.

(2) The Province may, notwithstanding anything contained in clause two, enact legislation during the period mentioned in subparagraph (a) thereof to impose or to authorize municipalities to impose the respective taxes therein mentioned and take such action as is necessary to bring into operation enactments suspended or nullified as provided in the said clause if the said legislation and enactments are not to come into operation until after the termination of the period therein mentioned or any earlier date on which this agreement is terminated under clause twelve, and are then to have operation only in respect of individual income or corporation income of periods after they come into operation or impose corporation taxes payable after or in respect of any act, matter or thing done, occurring, arising or any operations or activities carried on after they come into operation.

UNDERTAKINGS RESPECTING EQUAL TREATMENT OF PROVINCES

9.—(1) If the Province and the government of at least one other province with which Canada has entered into another agreement object thereto, Canada will not enter into an agreement with another province

- (a) that provides for any payment to be made thereunder by Canada to a province that is a party to the agreement (other than payments in respect of, or by way of adjustment of, estimated amounts or deductions) otherwise than under clauses in such other agreement, one of which corresponds to clause one of this agreement and the other of which provides for payments and for the calculation of the amounts thereof in a like manner to clause four except paragraph one thereof, and that are expressed in the same form as clause one and clause four (except paragraph one thereof) respectively, and
- (b) that does not contain, in the said clause that corresponds to clause four, a paragraph corresponding to paragraph one of clause four, in which is fixed, for the purpose of the paragraphs of the said clause that corresponds to the paragraphs of clause four, other than paragraph one thereof, a guaranteed minimum annual payment not exceeding in the case of an agreement with a province named below the amount set out after the name of the province:—

Alberta.....	\$ 20,985,710
British Columbia.....	29,647,487
Manitoba.....	18,634,954
New Brunswick.....	12,576,093
Newfoundland.....	9,174,624
Nova Scotia.....	15,348,220
Ontario.....	101,801,370
Prince Edward Island.....	2,977,015
Quebec.....	85,080,466
Saskatchewan.....	20,026,085

(2) Where Canada has entered into or enters into an agreement with another province and

- (a) any clause of that other agreement corresponding to any clause of this agreement, other than the clause corresponding to clause four of this agreement, is expressed differently from the said corresponding clause of this agreement, or
- (b) any additional clause is contained in that other agreement in respect of which there is no corresponding clause in this agreement, or
- (c) a clause corresponding to any clause of this agreement, other than clause five, is omitted from that other agreement,

the Province is entitled, within ninety days after entry into this agreement or after receiving a copy of such other agreement from Canada, whichever is later, to require that the said clause in this agreement be amended so that it will be expressed in a like manner to the said clause contained in such other agreement and to like effect, or that the said additional clause be included in this agreement, or that the said clause so omitted be omitted from this agreement, respectively, and where this agreement is amended pursuant to this paragraph, the amendment shall have effect between the parties to this agreement from the date on which such other agreement, in respect of which such amendment was made, had effect between the parties thereto.

(3) After entry into this agreement, Canada will, before entry into a proposed agreement with another province, if the proposed agreement provides for any variation in the clauses therein that correspond to clause one and clause four not permitted under paragraph one of this clause, furnish a copy of the proposed agreement to the Provincial Treasurer of the Province and if the Provincial Treasurer of the Province has not notified the Minister of Finance of Canada that the Province objects to entry by Canada into the proposed agreement within thirty days after the receipt of the said copy by him, the Province shall be deemed not to object to entry into the proposed agreement by Canada.

(4) Where Canada enters into an agreement with another province after entry into this agreement, Canada will forthwith furnish a copy of such other agreement to the Provincial Treasurer of the Province.

(5) Where a clause in any other agreement corresponding to a clause in this agreement that applies in respect of the period of five years mentioned in clause one, or in respect of periods of twelve months, comes into operation otherwise than at the commencement of the period of five years or a period of twelve months, as the case may be, paragraphs one and two shall not apply to provisions that are necessary to adapt the clause to the portion of the period of five years or twelve months, as the case may be, remaining after it comes into operation; and paragraph two shall not apply to an appendix in any other agreement corresponding to Appendix "A" or Appendix "B" of this Agreement; and paragraphs one and two do not apply in respect of any provision in another agreement or the omission of any provision, the effect of which is to permit another Province to impose, levy and collect succession duties or to provide a method of discharging obligations by Canada or a Province under the Tax Rental Agreement, 1947, or any agreement ancillary thereto, or to section (i) of subparagraph (b) of paragraph (1) of clause sixteen.

(6) The Minister of Finance of Canada will exercise his best judgment to ensure that the same principles are adhered to in the selection of the enactments included in the appendices in any other agreement entered into after entry into this agreement, corresponding to Appendices "A" and "B" of this agreement, as have been adhered to in the selection of the enactments included in Appendices "A" and "B" of this agreement in accordance with the true intent and purpose of this agreement.

(7) In this clause "agreement with another province," "another agreement" or "other agreement" means an agreement between Canada and the government of a province other than the Province of a like nature to this agreement and having like purposes to this agreement.

DISPUTES AND DIFFERENCES

10.—(1) Where either party to this agreement gives notice to the other in writing that in its opinion

- (a) there is disagreement between the parties as to the interpretation of any provision of this agreement or any matter arising therefrom, or
- (b) the other party has contravened or failed to observe a provision of the agreement,

the Province will, within sixty days of delivery of the notice, cause the matter to be referred by the Lieutenant-Governor of the Province to the Court of Appeal of Ontario for hearing and consideration and for the opinion of the court.

(2) A reference under paragraph one shall be in the form of a question for the opinion of the court or other method of defining clearly the matter in issue, in such terms as the parties agree and if they cannot agree, the form and terms of the reference shall be determined by the Chief Justice of the Province upon the application of either party.

(3) Where one of the parties alleges that the other has contravened or failed to observe a provision of this agreement, the reference shall include a request for the opinion of the court as to the steps, if any, that ought to be taken by either or both of the parties in order to place the parties in the position in which they would have been had there been no such contravention or failure.

(4) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that the Province has contravened or failed to observe a provision of this agreement, the Province will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure, and to repay or cause to be repaid any money collected by the Province or a municipality by way of tax in contravention of this agreement; but if the Province fails to do so, Canada may, in the manner prescribed in clause twelve, terminate this agreement or may deduct the amount of any tax imposed or collected in contravention of this agreement from any amount payable by Canada to the Province.

(5) Where, upon a reference under paragraph one, the opinion of the Court of Appeal of Ontario (or of the Supreme Court of Canada in the case of an appeal therefrom) discloses that Canada has contravened or failed to observe a provision of this agreement, Canada will promptly take such steps as are necessary to give effect to the opinion of the Court of Appeal of Ontario or the Supreme Court of Canada, as the case may be, and to place the parties in the position in which they would have been had there been no such contravention or failure; but if Canada fails to do so, the Province may, in the manner prescribed in clause twelve, terminate this agreement forthwith.

11.—(1) The procedure in any reference under the provisions of clause ten shall be governed by the rules of the Court of Appeal of Ontario or otherwise shall be such as the court determines.

(2) The parties hereto agree to supply promptly such information as may be required by the Court of Appeal of Ontario for the purposes of a reference under clause ten and will accept as final and binding upon them the opinions of the Court of Appeal of Ontario in any such reference (or of the Supreme Court of Canada in the case of an appeal therefrom) and agree to accept and be governed, in interpreting and carrying out this agreement, by the opinions of the courts of other provinces (or of the Supreme Court of Canada in the case of an appeal therefrom) concerning a matter submitted to them under any other agreement entered into after January 1, 1952, between Canada and a Province of a like nature and having like purposes to this agreement, to the extent that those opinions may be applied in respect of this agreement.

(3) The parties hereto agree that the government of any other Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement may appear before the courts and be heard as a party to any proceedings consequent upon a reference under clause ten and the Province will accordingly, within ten days of the day on which a matter is referred to the Court of Appeal of Ontario under clause ten, give notice in writing of the reference to each province that has entered into such an agreement with Canada setting out clearly the matters in issue.

(4) Each party to a reference under this provision shall bear its own costs of the reference.

(5) The Province undertakes that it has procured or will, at the session of its Legislature next ensuing after the execution of this agreement, procure the enactment of such legislation as may be necessary

- (a) to ensure that the Court of Appeal of Ontario has jurisdiction to hear, consider and determine a matter referred to it under clause ten,
- (b) to declare, for the purposes of section 37 of the Supreme Court Act, chapter 35 of the Revised Statutes of Canada, 1927, that the opinion of the Court of Appeal of Ontario in respect of a matter referred to it under clause ten is to be deemed a judgment of that court and that an appeal lies therefrom as from a judgment in an action, and
- (c) to enable a Province that has, after January 1, 1952, entered into an agreement of a like nature and having like purposes to this agreement to appear before the courts and be heard as a party in respect of any matter referred to the Court of Appeal of Ontario under clause ten.

TERMINATION AFTER REFERENCE TO COURTS

12.—(1) A notice to terminate this agreement given under clause ten shall be given

- (a) in the case of termination by Canada, by notice in writing given by the Minister of Finance of Canada to the Provincial Treasurer of the Province, or
- (b) in the case of termination by the Province, by notice in writing given by the Provincial Treasurer of the Province to the Minister of Finance of Canada.

(2) A notice to terminate this agreement given under clause ten will

- (a) terminate the obligation of the Province not to impose or permit any municipality to impose individual income taxes, corporation income taxes, or corporation taxes, from and after the end of the calendar year in which such notice is given, and

(b)

(b) terminate the obligation of Canada

- (i) to make any payments under this agreement in respect of fiscal years mentioned in clause one commencing in the calendar year following the calendar year in which the notice is given or subsequently, and
- (ii) under paragraph three of clause three to allow the deductions in computing income under The Income Tax Act therein mentioned from income of the calendar year following the calendar year in which the notice is given or subsequently.

(3) Termination of the obligations of the Province and of Canada as provided in subparagraphs (a) and (b) of paragraph two respectively shall not affect the operation of any clause of this agreement in respect of the fiscal years and calendar years mentioned in clause one and clause four, prior to or ending at the time of termination of the said obligations, and upon such termination the provisions of this agreement shall, subject to paragraph four of this clause, apply *mutatis mutandis* in respect of the said fiscal years and calendar years as if this agreement had been entered into only for the period of the said years.

(4) Notwithstanding that this agreement becomes applicable, *mutatis mutandis*, in respect of a number of fiscal years less than the five fiscal years mentioned in clause one as provided in paragraph three of this clause the amounts payable in respect of the fiscal years during which this agreement continues in full force and effect and the total amount finally payable by Canada in respect of the said fiscal years shall not be finally computed until the times mentioned in paragraphs seven, eight, nine and ten of clause seven and shall then be computed in the manner provided by clause four in respect of each such fiscal year in accordance with the information contained in the certificate of the Dominion Statistician furnished under paragraph seven of clause seven.

TAX CREDITS AFTER EXPIRY OF AGREEMENT

13. Unless the Province otherwise agrees, Canada will, if this agreement has not been terminated under clause twelve,

- (a) allow as a deduction from individual income tax imposed by Canada on income of each of the calendar years 1957, 1958, 1959, 1960 and 1961, of a person who resides or is employed in the Province,
 - (i) individual income tax payable under the laws of the Province on income of the same year, or
 - (ii) five per cent of the amount of the individual income tax imposed by Canada on the said income of that year,

whichever is less, but if individual income tax is imposed on the said income by more than one province the total amount allowed as a deduction in respect of all such taxes shall not exceed the said five per cent;

- (b) allow as a deduction from the duty otherwise payable under The Dominion Succession Duty Act, in respect of a succession to property consequent upon a death during the period commencing on April 1, 1957 and ending on March 31, 1962 an amount in respect of succession duties paid to the Province and the government of any other province in respect of the succession to or transmission of the property consequent upon that death equal to the amount of the duty otherwise payable multiplied by the lesser of:

- (i) one half, or
- (ii) the total amount of duties paid under the laws of the Province and the laws of any other province in respect of all property the succession to which is subject to duty under the said Act

consequent

consequent upon that death, divided by the total amount of duty otherwise payable under the said Act consequent upon that death in respect of all successions to property on which duties were paid under the laws of the Province or the laws of any other province,

and in this paragraph "duty otherwise payable" means the duty that would be payable under The Dominion Succession Duty Act if there were no provision in that Act to allow a successor to make a deduction under that Act in respect of succession duties paid to a province, and

- (c) allow as a deduction from corporation income tax imposed by Canada on income of a corporation of each of the calendar years 1957, 1958, 1959, 1960 and 1961,
 - (i) corporation income tax payable under the laws of the Province on income of the corporation of the same year, or
 - (ii) seven per cent of the taxable income of the corporation that is attributable to the operations of the corporation in the Province in that year in accordance with rules that will hereafter be set out in The Income Tax Act, or regulations made thereunder, including any amendments or modifications of such rules,

whichever is less.

SAVING CLAUSES

RELIEF OF UNEMPLOYMENT

14. Nothing contained in this agreement shall be construed as an admission by either party to this agreement that the said party is responsible for the whole or any part of the cost of the relief of unemployment, either during the operation of this agreement or at any other time.

OTHER AGREEMENTS

15. Nothing contained in this agreement shall be deemed to vary or terminate any of the rights or obligations of the Province or Canada under any agreement heretofore entered into between them or to limit their authority to enter into any further agreement in addition to or by way of amendment to this agreement.

INTERPRETATION

16.—(1) In this agreement and any appendix thereto, unless the context otherwise requires,

- (a) "census" means a census of population taken by the Dominion Bureau of Statistics;
- (b) "corporation tax" means, subject to paragraph three of this clause, a tax or fee other than a tax on net income but including a tax on gross revenue or any part thereof, the imposing of which singles out for taxation or for discriminatory rates or burdens of taxation corporations, or any class or classes thereof, or any individual corporation or any class of persons that is composed mainly of corporations, either formally or in effect, by imposing a tax or fee on or in respect of any Act, matter or thing or any activities or operations mainly done by, or affecting, or carried on by corporations, or otherwise, except
 - (i) a bona fide and reasonable provincial license, registration, filing or other fee; provided that no fee or a class of fees first charged or imposed after January 1, 1947, shall exceed \$250 per annum for each corporation and no fee charged or imposed on or prior to the said day which is in excess of \$250 per annum for each corporation shall be increased and no fee

charged or imposed on or prior to the said day which is less than \$250 per annum for each corporation shall be increased to an amount in excess of \$250 per annum for each corporation;

- (ii) the fees charged for the incorporation of a company;
- (iii) a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (iv) any assessment under The Workmen's Compensation Act;
- (v) a business or occupancy tax based on floor space or on the rental or assessed value of property, imposed by a municipality, or in territory not included in any municipality by any authority (including the Province) having jurisdiction in such territory;
- (vi) any royalty or rental on or in respect of natural resources within the Province;
- (vii) a bona fide and reasonable business or occupancy tax imposed by a municipality or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory on the gross revenue or gross receipts within the municipality or territory from all or part of the business of;
 - (A) a telephone, electric light, electric power, gas, street railway or bus company, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks and other like property or improvements at a rate not in excess of three per cent (in the case of a telephone company, four per cent) of the gross receipts or gross revenue subject to the tax; or
 - (B) of any other corporation if
 - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
 - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
 - (III) the tax is imposed on a corporation or class of corporations that is subject to the said tax under legislation enacted prior to June 27, 1946, and
 - (IV) the rate of tax is not in excess of the general tax rate; and
- (viii) a license fee in respect of personal property of a corporation imposed in lieu of a personal property tax that could be levied upon the personal property of the corporation under or pursuant to a provincial statute enumerated in Appendix "B" if
 - (A) the license fee does not exceed the amount that the corporation could be required to pay as a personal property tax in lieu of which the license fee is imposed, and
 - (B) payment of the license fee exempts the corporation from liability to pay the personal property tax in lieu of which the license fee is imposed;

(c)

- (c) "corporation income tax" means a tax that is levied on the net income or any part thereof of a corporation but does not include a license fee or other fee or tax for specific rights, benefits or franchises granted by a municipality, or where they are to be exercised or enjoyed only in territory not included in any municipality, by any authority (including the Province) having jurisdiction in such territory;
- (d) "Dominion Statistician" includes any person performing the duties of the office of Dominion Statistician during his absence for any reason or while the said office is vacant;
- (e) "fiscal year" means the period of twelve months commencing with the first day of April and ending with the thirty-first day of March next following;
- (f) "income derived from logging operations" by a person in any year means, where logs are acquired and cut in the Province by the person and are delivered to a sawmill, pulp or paper plant or other place for processing or manufacturing logs, or delivered to a carrier for export from Canada, or delivered otherwise
 - (i) if they are sold by him in the year prior to or on delivery the net profit or gain derived by him from
 - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and sale of the logs, or
 - (B) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting, transportation and sale of the logs, or
 - (C) the acquisition, transportation and sale of the logs, and
 - (ii) if they are not sold by him prior to or on delivery but are processed, manufactured or exported from Canada by him in the year, the net profit or gain reasonably deemed to have been derived by him from
 - (A) the acquisition of the timber or the right to cut the timber from which the logs were obtained and the cutting and the transportation of the logs, or
 - (B) the acquisition and transportation of the logs

computed in respect of logs processed, manufactured or exported during the year, by deducting from the value of the logs at the time of delivery the cost of acquiring, cutting and transporting such logs, and
 - (iii) for the purpose of section (ii)
 - (A) "value of the logs" means
 - (I) the fair market value, where such is ascertainable from transactions in logs of similar species and quality and in comparable quantities between persons dealing at arms length, or
 - (II) where the fair market value is not so ascertainable, the amount determined by adding to the aggregate cost of all logs delivered in the year to a pulp or paper plant or sawmill or other place for processing or manufacturing logs or to a carrier for export the portion of the total profit derived by such person from such activities in the year that may reasonably be attributed to the acquiring, cutting, transporting and delivery of such logs or a reasonable

amount per cord or per thousand board feet, as the case may be, of the logs so delivered in respect of such profits, provided that the amount so added shall not exceed

(a) where the logs are processed or manufactured into pulp or paper, the lesser amount of an appropriate proportion of the following amounts:

(i) 35 per cent of the total profit derived by the person from such activities, or

(ii) \$4.00 per rough cord or \$8.00 per thousand board feet (according to the basis of measurement used) of the logs so delivered, or

(b) where the logs are processed or manufactured into lumber or delivered to a carrier for export, the lesser amount of an appropriate proportion of the following amounts:

(i) 50 per cent of the profit derived from such activities, or

(ii) \$8.00 per thousand board feet, and

(c) for the purpose of sub-items (a) and (b),

(i) the appropriate proportion shall be the portion that the volume of logs cut in the province by the person in the fiscal year, or where the logging period does not coincide with the fiscal year, during the logging period ending in the year, is of the total logs so cut and otherwise obtained by the person in such year, and

(ii) profit derived from processing logs into pulp and paper or lumber shall be the total profits from such activities less

1. returns, if any, received by way of dividends, interest, or other like payments from stock, shares, bonds, debentures, loans or other like investments,

2. net profit, if any, from the sale of logs as such, and

3. net profit, if any, from the sale of stumpage or rights to cut timber,

but before any deduction for taxes on income from logging operations.

(g) "income derived from mining operations" means the net profit or gain derived or deemed to have been derived from mining operations by a person engaged therein with or without an allowance in respect of depletion and if such a person receives net profit or gain from sources other than mining operations either by reason of the carrying on by him of the processing of mineral ore extracted by him or otherwise, the net profit or gain to be deemed to have been derived by him from mining operations shall not exceed that portion of the total net profit or gain received by him from all sources, determined by deducting from the said total

(i)

- (i) the returns received by him by way of dividends, interest or other like payments from stock, shares, bonds, debentures, loans or other like investments;
 - (ii) the net profit or gain, if any, derived by him from, and attributable in accordance with sound accounting principles to, the carrying on of any business, or derived from and so attributable to any source, other than mining operations and the processing and sale of mineral ores or products produced therefrom and other than as a return on investments mentioned in section (i) of this paragraph; and
 - (iii) an amount by way of return on capital employed by him in processing mineral ores or products derived therefrom, equal to eight per cent of the original cost to him of the depreciable assets including machinery, equipment, plant, buildings, works and improvements, used by him in the processing of mineral ore or products derived therefrom but not in excess of sixty-five per cent of that portion of the said total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii) of this paragraph; provided that, in the case of a person who mines and smelts mineral ores from which metals other than gold, silver or platinum are recovered in amounts exceeding in value five per cent of the total value of metals recovered, the amount to be deducted under this section shall not in any case be a smaller amount than the following proportion of the total net profit or gain remaining after deducting therefrom the amounts specified in sections (i) and (ii):
 - (A) where both copper and nickel are recovered, each in amounts which exceed in value five per cent of the total values of metals recovered.....forty per cent,
 - (B) where both lead and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered.....thirty per cent,
 - (C) where both copper and zinc are recovered, each in amounts which exceed in value five per cent of the total value of metals recovered.....twenty per cent,
 - (D) in other cases.....fifteen per cent.
- (h) "individual income tax" means any tax imposed upon the net income or gross revenue, or any part thereof, of individuals or partnerships and includes a poll or head tax based on income but does not include:
- (i) a registration fee for the purpose of raising moneys required for a health programme that has been or may be established by the Province or a municipality and that is imposed as a uniform fixed amount per person and that does not vary in relation to income, provided that provisions for
 - (A) a maximum payment in respect of members of a family, based on the number of members of the family,
 - (B) exemption of persons in receipt of income less than a reasonable minimum amount, or
 - (C) a variation of rates based on the age of the persons in respect of whom the fee is required to be paid,
 shall not cause such a fee to be deemed to be a fee imposed other than as a uniform fixed amount per person or to vary in relation to income; or

- (ii) a bona fide and reasonable business or occupancy tax imposed by a municipality, or in a territory not included in a municipality by any authority (including the Province) having jurisdiction in such territory, on the gross revenue or gross receipts within the municipality or territory from all or part of the business,
 - (A) of a telephone, electric light, electric power, gas, street railway or bus business, in lieu of taxes imposed on power lines, pole lines, towers, cables, wires, conductors, conduits, equipment, mains, tracks, and other like property or improvements, at a rate not in excess of three per cent (in the case of a telephone business, four per cent) of the gross receipts or gross revenue subject to the tax, or
 - (B) of any other business if
 - (I) the tax is imposed under legislation enacted prior to June 27, 1946,
 - (II) the tax is in lieu of such a tax based on floor space or upon the rental or assessed value of property,
 - (III) the tax is imposed on a business, or class of business, that is subject to the said tax under legislation enacted prior to June 27, 1946, and
 - (IV) the rate of tax is not in excess of the general tax rate.
- (i) "Income Tax Act" means the Income Tax Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof and includes the regulations made thereunder;
- (j) "mine" includes any work or undertaking in which mineral ore is extracted or produced including a quarry;
- (k) "minerals" includes gold, silver, rare and precious metals or stones, copper, iron, tin, lead, zinc, nickel, salt, saline deposits, alkali, coal, limestone, granite, slate, marble or other quarriable stone, gypsum, clay marl, gravel, sand and volcanic ash but does not include petroleum or natural gas;
- (l) "mineral ore" includes all unprocessed minerals or mineral-bearing substances;
- (m) "mining operations" means the extraction or production of mineral ore from or in any mine or its transportation to, or any part of the distance to the point of egress from the mine including any processing thereof prior to or in the course of such transportation but not including any processing thereof after removal from the mine;
- (n) "municipality" includes a county, city, town, village, township or improvement district whether incorporated or otherwise established by or under general or special Act of the Legislature or otherwise, school trustees or other school authority, and any board, commission, or other authority created by the Province or the Legislature which levies or has the right to levy taxes, rates, license fees or royalties and includes the Crown in right of the Province levying, in unorganized territories, local taxes or taxes upon income derived from mining operations or income derived from logging operations, or both, for the purpose of raising revenues for local purposes;
- (o) "natural resources" means lands and waters, and any rights to or interests in lands and waters, vested in the Crown in right of

the Province, including forests, minerals, petroleum and natural gas on or in such lands and waters and rights vested in the Crown in the said right to take wild animals and fish on or in such lands and waters;

- (p) "person" or any word or expression descriptive of a person, includes any body corporate or politic, and the heirs, executors, administrators or other legal representative of such person, according to the law of that part of Canada to which the context extends;
- (q) "population" for any year means the said population on the first day of June in the said year;
- (r) "processing" includes milling, concentrating, smelting, refining, fabricating, transporting or distributing but, when applied to mineral ore, does not include any of those operations that are performed with respect to the mineral ore before its removal from the mine;
- (s) "rental" means a charge imposed on a person in respect of the occupation or use by him of a natural resource, whether improved or unimproved, including the use of water or water power sites, without severance, taking, extraction or removal thereof or of any part thereof, the real intent and purpose of which charge is to compensate for the value of such occupation or use;
- (t) "royalty" means a charge
 - (i) required to be paid by a person in respect of any right conferred on or vested in him to sever, take, extract or remove any thing forming part of the natural resources of the Province including therein timber, mineral ore, petroleum and natural gas, and wild animals or fish the right to take which forms part of the said natural resources,
 - (ii) the amount of which is determined by reference to the quantity or value or both of the thing that he severs, takes, extracts or removes, or alternatively, in the case of mineral ore, the value at market prices of the minerals contained therein, after extraction therefrom, and
 - (iii) the real intent and purpose of which is to compensate the Province for the value in whole or in part of the said thing prior to its severance, taking, extraction or removal;

but does not include a charge, the amount of which is determined in relation to the profits or gross receipts derived by the said person from the sale of products produced by the processing or manufacturing of the said thing unless provision is made for a reasonable deduction from the profits or gross receipts in determining the amount of the charge, in respect of the costs and value added to the said thing by reason of the processing or manufacturing for the purpose of eliminating, in the determination of the amount of the charge, any value added to the said thing by the said processing or manufacturing;
- (u) "security" means any mortgage, bond, debenture, stock, share or any document constituting evidence of title to or interest in capital assets, property, profits, earnings or royalties of any person or corporation;
- (v) "statutory subsidies" means the payments required to be made by Canada to the Province under The British North America Acts 1867 to 1951 and the Provincial Subsidies Act, R.S.C. 1927, Chapter 192;
- (w) "The Dominion Succession Duty Act" means The Dominion Succession Duty Act of Canada as amended from time to time or any enactment substituted therefor or in the place thereof, and includes the regulations made thereunder;

- (x) "value of gross national product" in any year means the total value at market prices of all goods and services produced in that year by the labour, capital and enterprise of persons resident in Canada as determined by the Dominion Statistician (the value so determined being known as "the value of gross national products at market prices") minus the amount that the Dominion Statistician determines to be the component thereof representing indirect taxes after first deducting from such taxes the amount of any subsidies by governments towards current cost of production;
- (y) "Wartime Tax Agreement" means the agreement entered into between Canada and the Province dated 30th day of March, 1942;
- (z) a reference to the book entitled "National Accounts, Income and Expenditure, 1926-1950" is a reference to the book so entitled published in December, 1951, by authority of the Right Honourable C. D. Howe, M.P., Minister of Trade and Commerce;
- (aa) words importing the masculine gender include the feminine and the neuter;
- (bb) words in the singular include the plural, and words in the plural include the singular; and
- (cc) a reference to a calendar year immediately preceding a fiscal year means the last complete calendar year prior to the beginning of the fiscal year.

(2) For the purposes of this agreement, Newfoundland shall be deemed to have been at all times a part of Canada.

(3) For the purposes of this agreement, all the taxes imposed by the enactments enumerated in Appendix "A" not being individual income taxes or corporation income taxes shall be deemed to be corporation taxes, and all the taxes imposed by the enactments enumerated in Appendix "B" shall be deemed for such purpose not to be corporation taxes, corporation income taxes or individual income taxes.

(4) In this agreement, where reference is made to a clause, paragraph, subparagraph, section, appendix or other provision without anything in the context to indicate that a provision in some other agreement, statute or instrument is intended to be referred to, the reference shall be deemed to be a reference to a provision of this agreement, and, unless the context otherwise requires, where reference is made to a paragraph, subparagraph or section, the reference shall be deemed to be a reference to a paragraph, subparagraph or section of the clause or paragraph, as the case may be, in which the reference is made.

IN WITNESS WHEREOF the Honourable Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada, and the Honourable Leslie M. Frost, Provincial Treasurer, has hereunto set his hand on behalf of the Province.

Signed on behalf of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of	} Minister of Finance
Signed on behalf of the Province of Ontario by the Honourable Leslie M. Frost, Provincial Treasurer, in the presence of	} Provincial Treasurer

APPENDIX A

To the Agreement between the Government of Canada and the Government of Ontario, dated the day of , 1952.

The Corporations Tax Act, R.S.O. 1950, c. 72
 The Income Tax Act (Ontario), R.S.O. 1937, c. 25
 The Income Tax Act, R.S.O. 1950, c. 175
 The Insurance Act, R.S.O. 1950, c. 183, ss. 288 and 293 (9)

APPENDIX B

To the Agreement between the Government of Canada and the Government of Ontario, dated the day of , 1952.

The Administration of Justice Expenses Act, R.S.O. 1950, c. 5
 The Apprenticeship Act, R.S.O. 1950, c. 19
 The Arbitration Act, R.S.O. 1950, c. 20
 The Artificial Insemination Act, R.S.O. 1950, c. 23
 The Assessment Act, R.S.O. 1950, c. 24
 Gross revenue tax on telephone companies and telephone businesses not to exceed four per cent.
 The Assignment of Book Debts Act, R.S.O. 1950, c. 25
 The Athletics Control Act, R.S.O. 1950, c. 27
 The Auxiliary Classes Act, R.S.O. 1950, c. 29
 The Beach Protection Act, R.S.O. 1950, c. 32
 The Beaches and River Beds Act, R.S.O. 1950, c. 33
 The Blind Workmen's Compensation Act, R.S.O. 1950, c. 37
 The Boards of Education Act, R.S.O. 1950, c. 38
 The Boilers and Pressure Vessels Act, 1951, 1951, c. 7
 The Bread Sales Act, R.S.O. 1950, c. 39
 The Burlington Beach Act, R.S.O. 1950, c. 43
 The Collection Agencies Act, R.S.O. 1950, c. 56
 The Community Centres Act, R.S.O. 1950, c. 58
 The Companies Act, R.S.O. 1950, c. 59
 The Companies Information Act, R.S.O. 1950, c. 60
 The Conditional Sales Act, R.S.O. 1950, c. 61
 The Conservation Authorities Act, R.S.O. 1950, c. 62
 The Continuation Schools Act, R.S.O. 1950, c. 66
 The Corporation Securities Registration Act, R.S.O. 1950, c. 71
 The Credit Unions Act, R.S.O. 1950, c. 79
 The Crown Timber Act, R.S.O. 1950, c. 82
 The Crown Timber Act, 1952, 1952, c. 15
 The Cullers Act, R.S.O. 1950, c. 84
 The Custody of Documents Act, R.S.O. 1950, c. 85
 The Dairy Products Act, R.S.O. 1950, c. 86
 The Damage by Fumes Arbitration Act, R.S.O. 1950, c. 87
 The Department of Municipal Affairs Act, R.S.O. 1950, c. 96
 The Ditches and Watercourses Act, R.S.O. 1950, c. 105
 The Dog Tax and Live Stock Protection Act, R.S.O. 1950, c. 107
 The Employment Agencies Act, R.S.O. 1950, c. 114
 The Extra-provincial Corporations Act, R.S.O. 1950, c. 124
 The Factory, Shop and Office Building Act, R.S.O. 1950, c. 126
 The Farm Products Containers Act, R.S.O. 1950, c. 129
 The Farm Products Grades and Sales Act, R.S.O. 1950, c. 130
 The Farm Products Marketing Act, R.S.O. 1950, c. 131
 The Ferries Act, R.S.O. 1950, c. 135
 The Fire Marshals Act, R.S.O. 1950, c. 140
 The Forest Fires Prevention Act, R.S.O. 1950, c. 144
 The Forest Resources Regulation Act, R.S.O. 1950, c. 146
 The Game and Fisheries Act, R.S.O. 1950, c. 153
 The Gasoline Handling Act, R.S.O. 1950, c. 156
 The Gasoline Tax Act, R.S.O. 1950, c. 157
 The High Schools Act, R.S.O. 1950, c. 165
 The Highway Improvement Act, R.S.O. 1950, c. 166
 The Highway Traffic Act, R.S.O. 1950, c. 167
 The Hospitals Tax Act, R.S.O. 1950, c. 170

- The Insurance Act, R.S.O. 1950, c. 183 (except ss. 288 and 293 (9)).
- The Investment Contracts Act, R.S.O. 1950, c. 187
- The Judges' Orders Enforcement Act, R.S.O. 1950, c. 189
- The Jurors Act, R.S.O. 1950, c. 191
- The Lakes and Rivers Improvement Act, R.S.O. 1950, c. 195
- The Land Transfer Tax Act, R.S.O. 1950, c. 198
- The Law Stamps Act, R.S.O. 1950, c. 201
- The Lightning Rods Act, R.S.O. 1950, c. 206
- The Limited Partnership Act, R.S.O. 1950, c. 208
- The Liquor Control Act, R.S.O. 1950, c. 210
- The Liquor Licence Act, R.S.O. 1950, c. 211
- The Live Stock and Live Stock Products Act, R.S.O. 1950, c. 212
- The Live Stock Branding Act, R.S.O. 1950, c. 213
- The Loan and Trust Corporations Act, R.S.O. 1950, c. 214
- The Local Improvement Act, R.S.O. 1950, c. 215
- The Logging Tax Act, R.S.O. 1950, c. 216
- The Long Point Park Act, R.S.O. 1950, c. 217
- The Marriage Act, R.S.O. 1950, c. 222
- The Mechanics' Lien Act, R.S.O. 1950, c. 227
- The Milk Control Act, R.S.O. 1950, c. 233
- The Mills Licensing Act, R.S.O. 1950, c. 234
- The Mining Act, R.S.O. 1950, c. 236
- The Mining Tax Act, R.S.O. 1950, c. 237—so long as the tax under section 4 continues to be levied on income from mining operations as defined in this Agreement.
- The Mortgage Tax Act, R.S.O. 1950, c. 240
- The Mortmain and Charitable Uses Act, R.S.O. 1950, c. 241
- The Municipal Health Services Act, R.S.O. 1950, c. 250
- The Natural Gas Conservation Act, R.S.O. 1950, c. 251
- The Niagara Parks Act, R.S.O. 1950, c. 253
- The Official Notices Publication Act, R.S.O. 1950, c. 257
- The Ontario Municipal Board Act, R.S.O. 1950, c. 262
- The Pawnbrokers Act, R.S.O. 1950, c. 272
- The Prepaid Hospital and Medical Services Act, R.S.O. 1950, c. 285
- The Presqu'ile Park Act, R.S.O. 1950, c. 286
- The Private Detectives Act, R.S.O. 1950, c. 287
- The Private Hospitals Act, R.S.O. 1950, c. 289
- The Private Sanitaria Act, R.S.O. 1950, c. 290
- The Provincial Auctioneers Act, R.S.O. 1950, c. 296
- The Provincial Land Tax Act, R.S.O. 1950, c. 298
- The Provincial Parks Act, R.S.O. 1950, c. 300
- The Public Commercial Vehicles Act, R.S.O. 1950, c. 304
- The Public Libraries Act, R.S.O. 1950, c. 310
- The Public Officers' Fees Act, R.S.O. 1950, c. 312
- The Public Parks Act, R.S.O. 1950, c. 314
- The Public Schools Act, R.S.O. 1950, c. 316
- The Public Service Act, R.S.O. 1950, c. 317
- The Public Trustee Act, R.S.O. 1950, c. 319
- The Public Utilities Act, R.S.O. 1950, c. 320
- The Public Vehicles Act, R.S.O. 1950, c. 322
- The Pulpwood Conservation Act, R.S.O. 1950, c. 325
- The Race Tracks Tax Act, R.S.O. 1950, c. 327
- The Racing Commission Act, R.S.O. 1950, c. 329
- The Railway Fire Charge Act, R.S.O. 1950, c. 330
- The Real Estate and Business Brokers Act, R.S.O. 1950, c. 332
- The Sanatoria for Consumptives Act, R.S.O. 1950, c. 346
- The Securities Act, R.S.O. 1950, c. 351
- The Security Transfer Tax Act, R.S.O. 1950, c. 352
- The Separate Schools Act, R.S.O. 1950, c. 356
- The Statute Labour Act, R.S.O. 1950, c. 372
- The Stock Yards Act, R.S.O. 1950, c. 376
- The Succession Duty Act, R.S.O. 1950, c. 378
- The Surrogate Courts Act, R.S.O. 1950, c. 380
- The Teachers' Superannuation Act, R.S.O. 1950, c. 384
- The Telephone Act, R.S.O. 1950, c. 387
- The Theatres and Cinematographs Act, R.S.O. 1950, c. 389
- The Tourist Establishments Act, R.S.O. 1950, c. 393
- The Town Sites Act, R.S.O. 1950, c. 394
- The Transportation of Fowl Act, R.S.O. 1950, c. 397

The Travelling Shows Act, R.S.O. 1950, c. 398
The Unwrought Metal Sales Act, R.S.O. 1950, c. 404
The Vacant Land Cultivation Act, R.S.O. 1950, c. 405
The Vital Statistics Act, R.S.O. 1950, c. 412
The Vocational Education Act, R.S.O. 1950, c. 413
The Weed Control Act, R.S.O. 1950, c. 421
The Well Drillers Act, R.S.O. 1950, c. 423
The Workmen's Compensation Act, R.S.O. 1950, c. 430

And any other enactment or law of the Province imposing a tax consistent with this agreement.

Notwithstanding anything contained in paragraph (3) of clause 16, any increase in a fee imposed or fixed pursuant to authority conferred by an enactment listed in this appendix shall, if the fee would have been a corporation tax but for the inclusion in this appendix of the enactments pursuant to which it is imposed or fixed, be subject to the limitations imposed by section (i) of subparagraph (b) of paragraph (1) of clause 16.

Notwithstanding anything in this agreement, where an enactment enumerated in this Appendix empowers the Province or a municipality to impose a tax, fee, royalty or other levy without defining the basis upon which it may be imposed or limiting the amount, the Province will not impose or permit a municipality to impose a corporation tax, corporation income tax or individual income tax as defined in this agreement.

Any Act superseding and replacing any of the Acts listed in Appendix B shall be deemed to be included in Appendix B unless the principles and quantum of taxation in the superseding Act differ from those in the Act superseded, in which event the definitions in section sixteen of the Agreement shall apply.

CHAPTER 2

An Act to amend The Highway Improvement Act

*Assented to October 23rd, 1952
Session Prorogued October 23rd, 1952*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Highway Improvement Act* is repealed. Rev. Stat.,
c. 166, s. 1,
cl. *e*,
repealed

2. Sections 7, 8 and 9 of *The Highway Improvement Act* are repealed. Rev. Stat.,
c. 166,
ss. 7, 8, 9,
repealed

3. Subsection 2 of section 18 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 18,
subs. 2,
amended

4. Subsection 2 of section 23 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the second line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 23,
subs. 2,
amended

5. Subsection 13 of section 27 of *The Highway Improvement Act*, as amended by section 1 of *The Highway Improvement Amendment Act, 1951*, is further amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 27,
subs. 13,
amended

6.—(1) Subsection 14 of section 28 of *The Highway Improvement Act*, as re-enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 28,
subs. 14
(1951,
c. 33, s. 2),
amended

(2) Subsection 15 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 28,
subs. 15
(1951,
c. 33, s. 2),
amended

Rev. Stat.,
c. 166, s. 28,
subs. 17
(1951,
c. 33, s. 2),
amended

(3) Subsection 17 of the said section 28 is amended by striking out the word "Fund" in the ninth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 28,
subs. 18
(1951,
c. 33, s. 2),
amended

(4) Subsection 18 of the said section 28 is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 28a,
subs. 5
(1951,
c. 33, s. 2),
amended

7. Subsection 5 of section 28a of *The Highway Improvement Act*, as enacted by section 2 of *The Highway Improvement Amendment Act, 1951*, is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 33,
amended

8. Section 33 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eleventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 43,
subs. 1,
amended

9. Subsection 1 of section 43 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 46,
subs. 2,
amended

10. Subsection 2 of section 46 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 47,
amended

11. Section 47 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 49,
subs. 2,
amended

12. Subsection 2 of section 49 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fifth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 50,
amended

13. Section 50 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the sixteenth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

Rev. Stat.,
c. 166, s. 52,
subs. 2,
amended

14.—(1) Subsection 2 of section 52 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature".

(2) Subsection 3 of the said section 52 is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 52,
subs. 3,
amended

15. Subsection 1 of section 54 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the seventh line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 54,
subs. 1,
amended

16. Subsection 2 of section 58 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the fourth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 58,
subs. 2,
amended

17. Section 73 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the seventh and ninth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 73,
amended

18. Subsection 6 of section 78 of *The Highway Improvement Act* is amended by striking out the word "Fund" where it occurs in the second and fourth lines respectively and inserting in lieu thereof in each instance the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 78,
subs. 6,
amended

19. Subsection 4 of section 83 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the first line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 83,
subs. 4,
amended

20. Subsection 4 of section 100 of *The Highway Improvement Act* is amended by striking out the word "Fund" in the eighth line and inserting in lieu thereof the words "moneys appropriated therefor by the Legislature". Rev. Stat.,
c. 166, s. 100,
subs. 4,
amended

21. *The Highway Improvement Act* is amended by adding thereto the following Part: Rev. Stat.,
c. 166,
amended

PART X

HIGHWAY RESERVE ACCOUNT

106. There shall be established in the Consolidated Revenue Fund an account to be known as the Highway Reserve Account to which shall be credited such amounts as are appropriated by the Legislature for that account. Highway
Reserve
Account

Payments
out of
Account

107. The Minister may pay out of the Highway Reserve Account expenditures incurred in the construction of highways.

Commence-
ment

22.—(1) This Act, except sections 1 to 20, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 20 come into force on the 1st day of April, 1953.

Short title

23. This Act may be cited as *The Highway Improvement Amendment Act, 1952*.

CHAPTER 3

The St. Lawrence Development Act, 1952 (No. 2)

*Assented to October 23rd, 1952
Session Prorogued October 23rd, 1952*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board; *New*.
- (b) "Canada-Ontario agreement" means the agreement between the Government of Canada and the Government of Ontario providing for the development of power resources in the International Rapids Section of the St. Lawrence River, dated the 3rd day of December, 1951, and set out as the Schedule to *The International Rapids Power Development Agree- 1952, c. 42
ment Act, 1952*;
- (c) "Commission" means The Hydro-Electric Power Commission of Ontario; 1952, c. 100, s. 1, cls. (a, b).
- (d) "land" includes any estate, term, easement, right or interest in, to, over or affecting land; 1952, c. 100, s. 1, cl. (c), *amended*.
- (e) "power" includes electrical, pneumatic, hydraulic, mechanical, atomic, steam, gas and other power and also energy; 1952, c. 100, s. 1, cl. (d).
- (f) "property" means property of any kind, other than land, and includes any interest in property; *New*.
- (g) "supply" includes delivery, dealing in and sale;
- (h) "works" includes all property, plant, machinery, buildings, erections, constructions, installations,
materials,

materials, devices, fittings, apparatus, appliances and equipment for the generation, transformation, transmission, distribution, supply or use of power. 1952, c. 100, s. 1, cls. (e, f).

When Commission may undertake power development

2. When the works described in Article II of the Canada-Ontario agreement have been approved by the International Joint Commission established under the Boundary Waters Treaty of 1909 and when the order of His Excellency the Governor General of Canada referred to in Article III of the Canada-Ontario agreement has been made and when the Commission has been authorized by the Lieutenant-Governor in Council to proceed concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, the Commission shall undertake and perform all the obligations of the Government of Ontario under the Canada-Ontario agreement, except the transfer of the administration of the works, sites and lands belonging to Ontario provided for in clause 3 of Article V and in Article XI of the Canada-Ontario agreement, and shall proceed with the construction, maintenance and operation of the works to develop and utilize the power resources of the International Rapids Section of the St. Lawrence River, and for this purpose may enjoy and exercise in its own name all the rights and benefits of the Government of Ontario under the Canada-Ontario agreement. 1952, c. 100, ss. 2, 3, *amended*.

Lands transferred by Canada

3. Upon the transfer of the administration of the lands belonging to Canada provided for in Article V of the Canada-Ontario agreement, such lands vest in the Commission. 1952, c. 100, s. 4.

Title to lands and works

4. All lands acquired and all works constructed by the Commission under this Act belong to the Commission. 1952, c. 100, s. 5.

Indemnification of Crown

5. The Commission shall indemnify and save harmless Her Majesty in right of Ontario in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works authorized by this Act. 1952, c. 100, s. 11.

Rates for water diverted

6. The Commission shall pay Her Majesty in right of Ontario compensation in such manner and upon such terms as may be agreed upon by them from time to time for water diverted under clause *a* of subsection 1 of section 8. 1952, c. 100, s. 12.

General fund applicable

7. The purposes and objects of this Act shall be deemed to be purposes and objects of the Commission under section 12

of *The Power Commission Act* and any liabilities of the Commission heretofore incurred and any expenditure of funds by the Commission heretofore made therefor are ratified and confirmed. 1952, c. 100, s. 9. Rev. Stat.,
c. 281

8.—(1) When the conditions mentioned in section 2 have been fulfilled and the Commission is required to proceed with the works mentioned therein, the Commission, without any further approval, may, Powers

- (a) divert the waters of the St. Lawrence River in such manner and in such amount as in its opinion is necessary for the operation and utilization of the works, construct, maintain and operate the works, and by the use of these waters generate power and use, transform, transmit, convert, distribute, make available for use and supply it;
- (b) construct, install, maintain and operate works and roads required for or incidental to the other matters authorized by this Act;
- (c) connect any of the works constructed or installed under clause *a* or *b* with any other power works or systems;
- (d) acquire for the purposes of this Act by purchase, lease or otherwise, or without the consent of the owner, enter upon, take possession of, expropriate and use such land, waters, water privileges, water powers, access and other roads, buildings and works as in its opinion are necessary, and use, utilize, develop and improve them, and upon such terms as it deems proper, sell, lease or dispose of such of them as in its opinion are no longer necessary for its purposes;
- (e) acquire for the purposes of this Act, by purchase or otherwise, water, coal, steam, oil, material, equipment and other supplies;
- (f) do such other acts and things as in its opinion are reasonably necessary for carrying out this section. 1952, c. 100, s. 6 (1), *amended*.

(2) Subject to the approval of the Lieutenant-Governor in Council and for the purposes of this Act, the Commission may, Conditional
powers

- (a) exercise any of the powers conferred upon it by *The Power Commission Act*;

(b)

- (b) by agreement and in lieu of compensation rehabilitate any person in respect of any land or property;
- (c) provide such services as are normally provided by a municipality or other local public authority either by itself or through or in conjunction with the municipality or other local public authority;
- (d) determine that a claim for compensation made under this Act is to be regarded as a claim in respect of an interest in land or an interest in property where such may not be the case in law;
- (e) do such acts and things as in its opinion are reasonably necessary for carrying out the Canada-Ontario agreement and this Act.

Municipal
powers
enlarged

(3) Every municipality and other local public authority has power to enter into the agreements provided for in clause b of subsection 2. *New.*

Deposit of
plan and
description

9.—(1) Where the Commission desires to expropriate land under the powers conferred by this Act, it shall deposit in the proper registry or land titles office a plan and description of the land signed by the chairman or a member or the secretary or an engineer of the Commission, or by an Ontario land surveyor, and thereupon the land vests in the Commission.

Where land
temporarily
required,
etc.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, vests in the Commission.

Power to
take whole
lot when
part only
required

(3) Where the Commission is of opinion that it can obtain the whole of any lot or parcel of land of which a part may be expropriated by it at a more reasonable price or to greater advantage than by acquiring the part only, it may expropriate the whole of the lot or parcel and also a right-of-way thereto, if it is separated from the work, and may afterwards sell and convey the same or any part thereof as it deems expedient.

Correcting
plans and
descriptions

(4) Where any omission, misstatement or erroneous description is made in a plan or description, a correct plan and description may be deposited with like effect.

Verifica-
tion of
plans and
descriptions

(5) Where a plan and description purporting to be signed by the chairman or a member or the secretary or an engineer

of the Commission or by an Ontario land surveyor is so deposited, it shall be deemed to have been deposited by the direction and authority of the Commission and as indicating that in the opinion of the Commission the land therein described is necessary for the purposes of this Act, and the plan and description shall not be called in question except by the Commission or by a person acting for the Commission.
New.

10.—(1) If any resistance or opposition is made by any person to the Commission, or to any person acting for it, entering upon and taking possession of land acquired for the purposes of this Act or exercising any power in respect thereof, the judge of the county court of the county in which the land is situate may, on proof of the execution of a conveyance of the land to the Commission, or agreement therefor, or of the depositing in the proper registry or land titles office of a plan and description thereof under section 9, and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county in which the land is situate directing him to put down such resistance or opposition, and to put the Commission, or a person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power. ^{Warrant for possession}

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition, and shall put the Commission, or the person acting for it, in possession thereof, and shall forthwith make return to the court of such warrant and of the manner in which he executed it. *New.* ^{Duty and powers of sheriff}

11.—(1) The Commission shall make to the owner of land entered upon, taken or used by it for the purposes of this Act just compensation under this Act for any damage necessarily resulting from such entry, taking or use, beyond any advantage that the owner may derive from the work for which the lands have been so entered upon, taken or used. ^{Right to compensation}

(2) The Commission shall make to the owner of any land or property injuriously affected in the carrying out of the purposes of this Act just compensation under this Act for any damage necessarily resulting therefrom, beyond any advantage that the owner may derive from the work for the purpose of which the land or property was injuriously affected. *New.* ^{Idem}

12.—(1) Where land is expropriated or any other action is taken by the Commission that in its opinion might occasion a claim for compensation under this Act by any owner of land or property, it shall give notice to the owner. ^{Notice to owner}

Contents
of notice

- (2) Every such notice shall,
- (a) describe the land expropriated or the land or property that may be injuriously affected;
 - (b) in the case of an expropriation,
 - (i) state the date and particulars of the deposit of the plan and description, and
 - (ii) describe the nature of the work to be done; and
 - (c) in any case other than that of an expropriation, describe the action taken or to be taken that might occasion a claim for compensation.

Time of
notice

- (3) Every such notice shall be given,
- (a) in the case of an expropriation, within sixty days after the deposit of the plan and description; and
 - (b) in all other cases, at any time not later than sixty days after the taking of such action or of the possibility of a claim being made coming to the attention of the Commission,

and shall state that the person notified must file with the Commission within six months of the receipt of the notice particulars of any claim that he may have in respect of the expropriation or other action.

Method of
notice

- (4) The notice shall be given,
- (a) where the owner is known and his residence is known, by serving the notice upon or mailing it by registered post addressed to him at his residence; and
 - (b) where the owner is unknown or his residence is unknown, by publication of the notice once a week for at least three weeks in a newspaper having general circulation in the county in which the land or property affected is situate. *New.*

Where notice
given

13.—(1) Where notice has been given by the Commission under section 12, no claim of any kind for compensation in respect of the subject-matter of the notice shall be referred to the Board unless the claim and particulars thereof have been filed with the Commission within the period prescribed in the notice or within such further period as may in any case be agreed upon by the Commission.

(2) Where no notice has been given by the Commission under section 12, a claim for compensation shall be made by giving notice thereof to the Commission, and the provisions of this Act with respect to the fixing, payment and application of compensation apply thereto. *New.* ^{Where no notice given}

14. Every person who has any estate or interest in any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act, or who represents any such person, shall, upon demand made therefor by or on behalf of the Commission, furnish to the Commission a true statement showing the particulars of such estate and interest and of every charge, lien or encumbrance to which the same is subject, and of the claim made by such person in respect of such estate or interest. *New.* ^{Power of Commission to require particulars}

15.—(1) Where the Commission and the owner cannot agree upon the amount of compensation, either party may give notice in writing to the other and to the Board requiring that the amount of compensation be determined by the Board, and thereupon the Board shall be seized of the matter, which shall be proceeded with in accordance with the practice and procedure of the Board. ^{Where compensation cannot be agreed upon}

(2) Either party may appeal with leave of a justice of appeal to the Court of Appeal from any order made by the Board under subsection 1, and the practice and procedure governing appeals from a county court apply *mutatis mutandis*. ^{Appeal to Court of Appeal}

(3) The decision of the Court of Appeal is final. *New.* ^{Finality}

16.—(1) Where at any time before the compensation has been actually ascertained or determined, land taken under this Act, or any part thereof, is found to be unnecessary for the purposes for which it was so taken, or if it is found that a more limited estate or interest therein only is required, the Commission may by notice in writing deposited in the proper registry or land titles office, declare that the land or such part thereof is not required and is abandoned by the Commission, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon, ^{Right of Commission to abandon land taken}

(a) the land declared to be abandoned reverts in the person from whom it was taken or in those entitled to claim under him; or

(b) in the event of a limited estate or interest therein being retained by the Commission, the land so reverts subject to the estate or interest so retained.

Effect upon
compensa-
tion

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case, shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages
where
abandon-
ment
complete

(3) Where the whole of the land taken is abandoned, the person from whom it was taken is entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment, and the amount of the damages shall be determined in the manner provided by this Act, and if a reference as to compensation is pending, shall be determined on such reference. *New.*

Contracts
by tenants
in tail,
executors
and others

17.—(1) Any tenant in tail or for life, guardian, committee, executor, administrator or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, unborn issue, mental incompetents or other persons, seized, possessed or interested in any land or property, may contract and agree with the Commission for the sale of the whole or any part thereof, and may convey or deliver the same to the Commission, and may also contract and agree with the Commission as to the amount of compensation to be paid for any such land or property, or for damage occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under this Act.

Representa-
tion of
person under
disability

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or property is situate may, after due notice to the persons interested, appoint a guardian or person to represent the person under disability for any of the purposes mentioned in subsection 1. *New.*

Payment of
compensa-
tion into
court

18.—(1) In the cases provided for in section 17 the Commission shall, and in all other cases if for any reason the Commission deems it advisable, it may, pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at 5 per cent for six months.

Proceedings
after pay-
ment into
court

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land or property is purchased, acquired or taken by the Commission under this Act, and calling upon all persons entitled to the land or property or to any part thereof to file their claims to

the compensation or any part thereof, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice and to law appertains.

(3) If such order of distribution is obtained less than six ^{Adjustment} months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the Commission, and if it is not obtained until after six months have expired the judge may order the Commission to pay interest for such further period as he deems just.

(4) Where unborn issue or an unascertained person or class <sup>Representa-
tion of
parties</sup> are interested in the compensation, the judge may appoint such person as he deems proper to represent or act for them, and any order made is binding on them. *New.*

19. If the compensation agreed upon or adjudged does not <sup>Payment of
compensa-
tion up to
\$100</sup> exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or deliver the property or agree as to the compensation, saving always the rights of any other person to the compensation as against the person receiving it. *New.*

20. The compensation agreed upon or adjudged stands in <sup>Character of
compensa-
tion</sup> the stead of the land or property, and any claim to or encumbrance thereon shall, as respects the Commission, be converted into a claim to or upon the compensation, and no longer affects the land or property so acquired, taken or used. *New.*

21.—(1) Interest at the rate of 5 per cent per annum may <sup>Interest on
compensa-
tion money</sup> be allowed on the compensation from the time when the land or property was taken, used or injuriously affected; but no person to whom a sum equal to or greater than the compensation has been offered in writing shall be allowed interest thereon for any time subsequent to the date of the offer.

(2) If the Board is of the opinion that any delay in determin- <sup>When in-
terest may
be withheld</sup> ing the compensation is attributable wholly or in part to a person entitled to the compensation or any part of it, the Board may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 5 per cent per annum as appears just. *New.*

22. If the damage occasioned to any land or property <sup>When
reparation
by Com-
mission
may be
ordered</sup> alleged to be injuriously affected in the carrying out of the purposes of this Act may be removed wholly or in part by any alteration in, or addition to, any work, or by the construction

of any additional work, or by the abandonment of any part of the land taken from the claimant, or by the grant to him of any land or easement, and if the Commission before an award is made undertakes to make such alteration or addition, or to construct such additional work or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be determined in view of such undertaking, and the Board shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made, or such additional work constructed, or such part of the land abandoned, or such grant made to him. *New.*

Compensation to be under Act

23. All claims and proceedings in respect of compensation or damages for any land or property acquired, taken or used in or injuriously affected in the carrying out of the purposes of this Act shall be brought under and in accordance with this Act and not otherwise. *New.*

1952, c. 100, repealed

24. *The St. Lawrence Development Act, 1952* is repealed.

Commencement

25. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

26. This Act may be cited as *The St. Lawrence Development Act, 1952* (No. 2).

CHAPTER 4

An Act for granting to Her Majesty a certain additional sum of money for the Public Service for the fiscal year ending the 31st day of March, 1953

*Assented to October 23rd, 1952
Session Prorogued October 23rd, 1952*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by a message from the Honourable Preamble
Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimate accompanying the same, that the sum of \$20,000,000 is required to defray certain expenses of the Public Service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1953, and for other purposes connected with the Public Service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. There may be paid out of the Consolidated Revenue \$20,000,000 granted for fiscal year 1952-53
Fund a sum not exceeding in the whole \$20,000,000 to be applied towards defraying the several charges and expenses of the Highway Reserve Account, not otherwise provided for, from the 1st day of April, 1952, to the 31st day of March, 1953, in accordance with *The Highway Improvement Amend-ment Act, 1952.* 1952 (2nd Sess.), c. 2

2. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted Accounting for expenditure
for to Her Majesty.

3. This Act comes into force on the day it receives Royal Commence-ment
Assent.

4. This Act may be cited as *The Supply Act, 1952 (No. 2).* Short title

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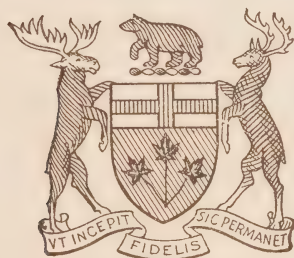
PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Second Year of the Reign of Her Majesty
QUEEN ELIZABETH II

Being the Third Session of the Twenty-Fourth
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWELFTH DAY OF
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FIFTY-THREE



ONTARIO

HIS HONOUR LOUIS ORVILLE BREITHAUPT
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the Queen's Most Excellent Majesty
1953

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2 ELIZABETH II

CHAPTER 1

An Act to amend The Administration of Justice Expenses Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 17 of *The Administration of Justice Expenses Act* is amended by striking out the word "within" in the tenth line and inserting in lieu thereof the word "without", so that the subsection shall read as follows:

Rev. Stat.,
c. 5, s. 17,
subs. 2,
amended

- (2) Except as in this Act or by law otherwise provided all fees payable under Part I to the officers therein mentioned, for services connected with the administration of justice, other than those mentioned in subsection 1, shall be paid in the first instance by the county, unless the county jail is owned and maintained by a city, in which case the fees in respect of prisoners convicted for offences committed within the city limits shall be paid in the first instance by the city, and so far as they relate to prisoners convicted for offences committed in the county without the limits of the city, shall be paid in the first instance by the county, and the county or city, as the case may be, shall be entitled to be reimbursed out of the Consolidated Revenue Fund all of the said expenses mentioned in Schedule B which relate to prisoners who have been convicted of indictable offences or committed for trial, or who have been tried but not convicted under Part XVIII or XIX of the *Criminal Code* (Canada).

Fees payable
in first
instance by
county

R.S.C. 1927,
c. 36

2. This Act may be cited as *The Administration of Justice Expenses Amendment Act, 1953*.

Short title

CHAPTER 2

An Act to amend The Agricultural Associations Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Agricultural Associations Act* is amended by adding thereto the following section: Rev. Stat., c. 8, amended

19a.—(1) Any association, society, institute or organization mentioned in or designated under section 2 shall have power to acquire and hold land for such purposes as the Lieutenant-Governor in Council may approve and shall have power to sell, mortgage, lease or otherwise dispose of such land. Power of associations to acquire and hold land

(2) The Lieutenant-Governor in Council may regulate and govern the acquisition, holding or disposition of land by associations, societies, institutes or organizations, or by any one or more of them. Power of Lieutenant-Governor in Council to regulate

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Agricultural Associations Amendment Act, 1953*. Short title

CHAPTER 3

An Act to amend The Agricultural Societies Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of subsection 1 of section 24 of *The Agricultural Societies Act* is amended by striking out the symbol and figures "\$800" in the second line and inserting in lieu thereof the symbol and figures "\$1,000", so that the subclause shall read as follows: Rev. Stat.,
c. 13, s. 24,
subs. 1, cl. *d*,
subcl. ii,
amended

- (ii) no society shall in any year be entitled to receive a grant in excess of \$1,000.

2.—(1) Clause *a* of subsection 2 of section 26 of *The Agricultural Societies Act* is amended by striking out the word "one-third" and inserting in lieu thereof the word "one-quarter", so that the clause shall read as follows: Rev. Stat.,
c. 13, s. 26,
subs. 2, cl. *a*,
amended

- (a) one-quarter of the amount of the capital expenditure;
or

.

(2) Clause *b* of subsection 2 of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 13, s. 26,
subs. 2, cl. *b*,
re-enacted

- (b) the total amount of the grants received from municipalities and local organizations on account of the capital expenditure; or

.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Agricultural Societies Amendment Act, 1953*. Short title

CHAPTER 4

An Act for the Protection of Archaeological and Historic Sites

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "archaeological object" means an object of archaeological significance found at an archaeological site;
- (b) "archaeological site" means land of archaeological significance that is designated as such by the Minister;
- (c) "historical object" means an object of historical significance found at an historic site;
- (d) "historic site" means land of historical significance that is designated as such by the Minister;
- (e) "Minister" means the member of the Executive Council charged for the time being with the administration of this Act;
- (f) "permit" means a valid and subsisting permit issued under this Act.

2. The Minister may designate any land as an archaeological site or as an historic site.

Designation
of sites

3. No person shall excavate or alter an archaeological site or an historic site or remove any archaeological or historical object therefrom unless he is the holder of a permit.

Permit
holders
only may
excavate,
etc.

4.—(1) Upon application made to him in writing, the Minister may issue a permit to any person to excavate or alter an archaeological site and remove archaeological objects therefrom, or to excavate or alter an historic site and remove historical objects therefrom.

Minister
may issue
permits

- Terms and conditions (2) The Minister may limit a permit as to time and location and may impose such other terms and conditions as he considers proper.
- Cancellation (3) The Minister may cancel a permit at any time.
- Consent of owner **5.** A permit holder shall not excavate or alter an archaeological or an historic site or remove any archaeological or historical object therefrom without the consent of the owner.
- Reports **6.** Within a reasonable time after the close of each season's field work, every permit holder shall furnish, in duplicate, to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.
- Disposal of objects **7.**—(1) Any archaeological or historical object that is taken by a person who is not a permit holder or by a permit holder in contravention of his permit or this Act may be seized by a person authorized so to do by the Minister and turned over to and deposited in such public institution as the Minister may designate.
- Idem (2) The Minister may direct that any archaeological or historical object taken under the authority of a permit be turned over to and deposited in such public institution as he may designate.
- Offence and penalties **8.** A person who contravenes any provision of this Act or a permit or a direction of the Minister under this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.
- Advisory board **9.**—(1) The Minister may establish an advisory board, consisting of not more than seven members, to advise him upon all matters to which this Act refers.
- Remuneration and expenses (2) The members of the advisory board shall serve without remuneration, but each member shall be paid his proper travelling and other expenses incurred in the work of the board.
- Commencement **10.** This Act comes into force on the day it receives Royal Assent.
- Short title **11.** This Act may be cited as *The Archaeological and Historic Sites Protection Act, 1953.*

CHAPTER 5

An Act to amend The Architects Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 21, s. 7,
amended

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. Corporations
excluded

2.—(1) Section 18 of *The Architects Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 21, s. 18,
amended

(1a) Every corporation that applies to itself the term "architect" or "architects" alone or in combination with any other term or that holds itself out as an architect or as architects shall be guilty of an offence and the corporation or any director thereof, on summary conviction, shall be liable to a penalty of not less than \$100 and not more than \$500 for a first offence and to a penalty of not less than \$200 and not more than \$1,000, or to imprisonment for a term of not more than three months, or both, for any subsequent offence. Idem,
corporations

(2) Subsection 2 of the said section 18 is amended by striking out the words "the foregoing" in the first line and inserting in lieu thereof the words and figures "subsections 1 and 1a", by inserting after the word "who" in the second line the words "or corporation that", by striking out the symbol and figures "\$5,000" in the sixth line and inserting in lieu thereof the symbol and figures "\$10,000" and by inserting after the word "himself" in the seventh line the words "or itself", so that the subsection shall read as follows: Rev. Stat.,
c. 21, s. 18,
subs. 2,
amended

(2) Without restricting the generality of subsections 1 and 1a, any person who or corporation that Holding out
as architect
defined prepares or offers to prepare for a fee, commission or

other

other remuneration any sketch, drawing or specification for any proposed building structure or for any structural alteration of or addition to an existing building structure, when such proposed work is to cost more than \$10,000, shall be deemed to hold himself or itself out as an architect.

Rev. Stat.,
c. 21, s. 18,
subs. 3,
amended.

(3) Subsection 3 of the said section 18 is amended by adding thereto the following clause:

Rev. Stat.,
c. 292

(bb) any partnership, association of persons or corporation that is entitled to practise in its own name under *The Professional Engineers Act* in accordance with the conditions therein prescribed, from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement.

Rev. Stat.,
c. 21, s. 18,
subs. 3, cl. c,
amended

(4) Clause *c* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(c) any person or corporation from preparing a sketch, drawing or specification for any structure in, upon or pertaining to a mining property, or any alteration of or addition to an existing structure in, upon or pertaining to a mining property.

Rev. Stat.,
c. 21, s. 18,
subs. 3, cl. e,
re-enacted

(5) Clause *e* of subsection 3 of the said section 18 is repealed and the following substituted therefor:

(e) a *bona fide* building contractor, whether a person or corporation, or a *bona fide* member of such contractor's staff domiciled in Ontario from preparing a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor or by tradesmen employed by such contractor, of any building structure, whether the same be proceeded with or not, and obtaining remuneration therefor.

Rev. Stat.,
c. 21, s. 18,
subs. 3, cl. f,
amended

(6) Clause *f* of subsection 3 of the said section 18 is amended by inserting after the word "person" in the first line the words "or corporation", so that the clause shall read as follows:

(f) any person or corporation from preparing any sketch, drawing or specification for interior decorations or the installation in the interior of a structure, of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety.

(7) Clause *g* of subsection 3 of the said section 18 is amended Rev. Stat.,
c. 21, s. 18,
subs. 3, cl. *g*,
amended
by inserting after the word "person" in the first line the words
"or corporation", so that the clause shall read as follows:

(*g*) any person or corporation from using the term
"Landscape Architect".

3. This Act may be cited as *The Architects Amendment* Short title
Act, 1953.

CHAPTER 6

An Act to amend The Assessment Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 18 of section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 4,
par. 18,
re-enacted

18. One acre used for forestry purposes for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and where the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes to the total acreage of all parcels used or partly used for forestry purposes.

Forestry
purposes

18a. Land used as woodlands.

Woodlands

- (a) "Woodlands" for the purpose of this paragraph means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 measuring over five inches in diameter, or 100 measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which may be designated by Order in Council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely,

of

of fostering the growth of the trees thereon and which are fenced and not used for grazing purposes.

Rev. Stat.,
c. 24, s. 4,
par. 19
(1952, c. 3,
s. 1, subs. 2),
re-enacted

(2) Paragraph 19 of the said section 4, as re-enacted by subsection 2 of section 1 of *The Assessment Amendment Act*, 1952, is repealed and the following substituted therefor:

Co-operative
cold storage
plants

19. The buildings and other structures erected or placed upon the lands of a co-operative corporation and owned, occupied and used for the purposes of carrying on a co-operative cold storage plant,

(a) if the corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; and

(b) if not more than 20 per cent of the storage space of the plant is used by persons who are not members of the corporation for the storage of Canadian-grown farm products including dairy products and dressed meat, in which case the corporation shall be liable for the proportionate part of the taxes levied on the building assessment for the part of the building so used;

provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the land may be exempted under paragraph 62 of subsection 1 of section 388 of *The Municipal Act*.

Rev. Stat.,
c. 243

Rev. Stat.,
c. 24,
amended

2. *The Assessment Act* is amended by adding thereto the following section:

Lands that
cease to be
used for
forestry
purposes or
as woodlands

4b. The council of a town, village or township may by by-law provide that if any part of a farm exempted under paragraph 18 or 18a ceases to be used for forestry purposes or to be woodlands so as not to come within the purview of paragraph 18 or 18a, as the case may be, the assessor shall so report to the clerk who shall forthwith amend the collector's roll by inserting therein the rates or taxes with which such farm would have been chargeable for the preceding three years if such part of the farm had not been so exempt or such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper, and such rates or taxes or portion thereof shall be collectable in accordance with such amended roll.

3.—(1) Clause *f* of subsection 1 of section 6 of *The Assessment Act* is amended by inserting after the word “coal” where it occurs in the seventh and eleventh lines respectively the words “or fuel oil”, so that the clause shall read as follows: Rev. Stat.,
c. 24, s. 6,
subs. 1, cl. *f*,
amended

- (*f*) Every person carrying on the business of what is known as a departmental store or of a retail merchant dealing in more than five branches of retail trade or business in the same premises or in separate departments of premises under one roof, or in connected premises, where the assessed value of the premises exceeds \$20,000 or of a retail coal or fuel oil or wood or lumber dealer, lithographer, printer or publisher, except the publisher of a newspaper, for a sum equal to 50 per cent of the assessed value; but in cities having a population of not less than 100,000, retail coal or fuel oil dealers shall be assessed for a sum equal to 30 per cent of the assessed value.

(2) Subsection 9 of the said section 6 is amended by striking out the words “or nursery” in the second line and inserting in lieu thereof the words “nursery or for the keeping of bees for the production of honey”, so that the subsection, exclusive of clause *a*, shall read as follows: Rev. Stat.,
c. 24, s. 6,
subs. 9,
amended

- (9) No person occupying or using land as a rooming house, farm, market garden, nursery or for the keeping of bees for the production of honey shall be liable to business assessment in respect of such land. Exemptions

(3) Subsection 9*a* of the said section 6, as enacted by subsection 2 of section 3 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat.,
c. 24, s. 6,
subs. 9*a*,
(1952, c. 3,
s. 3, subs. 2),
re-enacted

- (9*a*) A corporation liable to taxation under clause *b* of paragraph 19 of section 4 shall be liable to business assessment in respect of the land occupied or used for the purpose of the cold storage plant in the same proportion as the buildings and structures are taxable under such clause. Co-operative
cold storage
plants

4. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat.,
c. 24,
amended

- 9*a*. Notwithstanding the provisions of this or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 4 per cent of the total of the gross receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment, and the effect of such

limitation

limitation shall be the responsibility of the municipality and charged to its general funds and not to any body for which the council is required by law to levy and impose taxes and rates.

Rev. Stat.,
c. 24, s. 16,
subs. 1, cl. j,
repealed

5. Clause *j* of subsection 1 of section 16 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24, s. 19,
repealed

6. Section 19 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24, s. 30,
subs. 6, 7, 8,
repealed.

7. Subsections 6, 7 and 8 of section 30 of *The Assessment Act* are repealed.

Rev. Stat.,
c. 24, s. 33,
amended

8. Section 33 of *The Assessment Act* is amended by adding thereto the following subsection:

Woodlands

- (13) Land used as woodlands within the meaning of paragraph 18*a* of section 4 shall be assessed at the same value as it was immediately before being set apart for such use and the assessed value thereof shall not be increased by reason of the growth of the timber thereon or be decreased after such timber has been removed.

Rev. Stat.,
c. 24, s. 33*a*,
subs. 2
(1952, c. 3,
s. 9),
re-enacted

9. Subsection 2 of section 33*a* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

Idem

- (2) Where a municipality receives a payment in any year under the regulations made under subsection 1, it shall not assess or tax the profits of any mine or mineral work under subsection 5 or 8 of section 33 in that year and the payment shall be distributed as follows:

Rev. Stat.,
c. 237

1. The portion computed with reference to the mines profits as calculated under section 4 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 12 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality shall be distributed in the manner provided in subsection 9 of section 33.
2. The portion computed with reference to the number of miners residing inside and working outside the municipality shall form part of the general funds of the municipality.

Rev. Stat.,
c. 24, s. 37,
subs. 1,
amended

10. Subsection 1 of section 37 of *The Assessment Act* is amended by striking out the word "oil" in the sixth line and inserting in lieu thereof the words "petroleum or petroleum products", so that the subsection shall read as follows:

- (1) The property by subclause v of clause i of section 1 declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems and companies or persons transmitting petroleum or petroleum products or gas by pipe line, shall, in a municipality divided into wards, be assessed in the ward in which the head office of the company or person is situate, if the head office is situated in the municipality, but if the head office of the company or person is not in the municipality, then the assessment may be in any ward thereof.

Assessment
of lands of
water, heat,
light, etc.,
companies

11. Subsection 9 of section 39 of *The Assessment Act*, as re-enacted by section 10 of *The Assessment Amendment Act, 1952*, is amended by striking out the word "to" in the tenth line, so that the subsection shall read as follows:

Rev. Stat.,
c. 24, s. 39,
subs. 9
(1952, c. 3,
s. 10),
amended

- (9) In making the assessment referred to in subsection 8, there shall be no assessment of machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4, nor other property, works or improvements not referred to in subsection 3 or 5, nor an easement or the right or use of occupation or other interest in land not owned by the commission.

Exemptions

12. Section 106 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24, s. 106,
repealed

13. Section 124 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1952*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 24, s. 124,
re-enacted

- 124.—(1) An application to the court of revision for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

Cancellation,
reductions,
refunds, etc.,
of taxes

- (a) in respect of real property which was vacant three months or more during the year; or
- (b) in respect of real property which has become exempt from taxation during the year; or
- (c) in respect of a building which was razed by fire, demolition or otherwise during the year; or

(d)

- (d) who is unable to pay taxes because of sickness or extreme poverty; or
- (e) who is overcharged by reason of any gross or manifest error; or
- (f) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on.

Time for
making
application

- (2) The application may be made at any time during the year in respect of which the application is made and until the 31st day of January in the following year and notice in writing of the application shall be given to the assessment commissioner, or if none, the clerk of the municipality.

Powers of
court of
revision

- (3) The court of revision, subject to such restrictions and limitations as are contained in this section, may reject the application, or
 - (a) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or
 - (b) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or
 - (c) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.

Hearing and
disposition

- (4) The court of revision shall hear and dispose of every application within two months of the receipt of the application but in no case later than the 28th day of February in the year following the year in respect of which the application is made.

Appeals

- (5) An appeal may be had to the Ontario Municipal Board by the applicant or the municipality from the decision of the court of revision or where the court of revision has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

- (6) The Ontario Municipal Board shall hear and deter- ^{Idem}
mine all appeals under this section not later than the
30th day of June of the year following the year in
respect of which the application is made.
- (7) Where a person makes application for the cancel- ^{Occupant}
lation, reduction or refund of taxes in respect of ^{may be}
business assessment, the court of revision, on notice ^{required}
to any person who occupied the premises and ^{to pay part}
carried on business for the whole or any part of ^{of taxes}
the period in respect of which the application is
made, may direct that a proper proportion of the
taxes be levied against such person for the time
during which such person was in occupation although
the name of such person does not appear on the
assessment roll in respect of such premises, and in
determining the amount payable regard shall be
had to the nature of the business carried on.
- (8) A cancellation, reduction or refund under clause ^a ^{Limitations}
of subsection 1 shall be made only in respect of ^{and}
taxes levied on the assessed value of the real property ^{restrictions}
in accordance with the following:
1. Where the period of vacancy is less than four
months, the amount of the cancellation, re-
duction or refund shall not exceed 10 per
cent of the amount of the tax for the year
during which the period of vacancy occurred.
 2. Where the period of vacancy is four months
or more, an additional cancellation, reduction
or refund may be made not exceeding 5 per
cent of the amount of the tax for the year
during which the period of vacancy occurred
for each additional complete month over and
above three months during which the real
property was vacant.
- (9) A cancellation, reduction or refund under clause ^b ^{Idem}
of subsection 1 shall be for a proportionate part of
the taxes based on the number of months in the year
during which the exemption existed.
- (10) A cancellation, reduction or refund under clause ^c ^{Idem}
of subsection 1 shall be for the proportionate part
of the taxes levied on the building assessment for
the part of the year remaining after the building
was razed.

Application
of cl. *a* of
subs. 1

(11) An application for a cancellation, reduction or refund under clause *a* of subsection 1 shall be applicable to all classes of properties except,

- (a) unimproved land;
- (b) real property which has a fixed assessment;
- (c) a building which is partially exempt;
- (d) a building intended for or capable of use during a part of the year only;
- (e) a building where the rent asked is unreasonable, where the building is not suitable for occupation by a tenant or where the applicant has not continuously endeavoured to have the building occupied;
- (f) a part of a building, unless such part is separately assessed;
- (g) a building or part of a building, unless it remained unfurnished during the period in respect of which the application is made;
- (h) a building equipped and adapted for use for a limited and special class of occupancy only;
- (i) pipes or conduits intended for the transmission of natural or artificial gas or any mixture of natural or artificial gas; and
- (j) pipes or conduits intended for the transmission of gasoline, petroleum or petroleum products, anti-freeze, oxygen, brine or other similar products.

Local
improve-
ment and
area rates

(12) No cancellation, reduction or refund under clause *a* of subsection 1 shall be made in respect of taxes levied for a local improvement or as a special area rate.

Rev. Stat.,
c. 24, s. 133,
amended

14. Section 133 of *The Assessment Act* is amended by striking out the words "the non-resident collector's roll or" in the first and second lines, so that the section shall read as follows:

Proceedings
where any
land is
found not to
have been
assessed

133. If, on an examination of the return required under section 132 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land

liable

liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 50.

15. Form 2 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 24,
Form 2,
repealed

16.—(1) Sections 11 and 13 come into force on the day this Act receives Royal Assent.

Commence-
ment

(2) Sections 1, 2, 3, 8 and 10 come into force on the 1st day of January, 1954.

Idem

(3) Sections 4, 5, 6, 7, 9, 12, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1953.

Idem

17. This Act may be cited as *The Assessment Amendment Act, 1953*.

Short title

CHAPTER 7

An Act to amend The Assignment of Book Debts Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Items 1 to 5 of section 17 of *The Assignment of Book Debts Act* are repealed and the following substituted therefor: Rev. Stat., c. 25, s. 17, items 1-5, re-enacted

- 1. For filing and registering an assignment or a certificate of discharge..... \$1.00
- 2. For a search..... .50
- 3. For a certificate of registration of an instrument..... .50
- 4. For copies of a document and certifying the same, for every 100 words..... .20
- 5. For production and inspection of an instrument or document..... .10

2. This Act comes into force on the 1st day of July, 1953. Commence-
ment

3. This Act may be cited as *The Assignment of Book Debts Amendment Act, 1953*. Short title

CHAPTER 8

An Act to amend The Bills of Sale and
Chattel Mortgages Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Clauses *a* to *g* of section 36 of *The Bills of Sale and Chattel Mortgages Act* are repealed and the following items substituted therefor: Rev. Stat., c. 36, s. 36, clauses *a-g*, re-enacted.

- 1. For registering an instrument or a copy thereof or a renewal statement or an assignment or a certificate of discharge. \$1.00
- 2. For a search.50
- 3. For a certificate of registration of an instrument.50
- 4. For copies of an instrument or document and certifying the same, for every 100 words.20
- 5. For production and inspection of an instrument or document.10

2. This Act comes into force on the 1st day of July, 1953. Commence-
ment

3. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1953*. Short title

CHAPTER 9

**An Act to amend The Boilers and
Pressure Vessels Act, 1951**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Clauses *a*, *o*, *s* and *u* of section 1 of *The Boilers and Pressure Vessels Act, 1951* are repealed and the following substituted therefor:

1951,
c. 7, s. 1,
cls. *a*, *o*,
s and *u*,
re-enacted

(a) “boiler”,

- (i) except when used in respect of the approval and registration of designs of boilers, means any vessel in which gas or vapour may be generated or liquid may be put under pressure by heating and includes any pipe, fitting and other equipment attached thereto or used in connection therewith,
- (ii) when used in respect of the approval and registration of designs, means any vessel in which gas or vapour may be generated or liquid may be put under pressure by heating;

.

(o) “low pressure boiler” means,

- (i) a boiler in which gas or vapour is generated designed to carry a working pressure of fifteen pounds or less, or
- (ii) a boiler in which liquid is heated designed to carry a working pressure of 160 pounds or less, or
- (iii) a boiler connected in a closed type hot water heating system;

.

(s)

(s) "plant" means the installation of boilers as defined in subclause i of clause *a*, or pressure vessels as defined in subclause i of clause *u*, in operation or use as a unit for any purpose;

(u) "pressure vessel",

(i) except when used in respect of the approval and registration of designs of pressure vessels, means an unfired vessel or apparatus other than a boiler that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure and includes any pipe fitting and other equipment attached thereto or used in connection therewith,

(ii) when used in respect of the approval and registration of designs of pressure vessels, means an unfired vessel or apparatus other than a boiler that may be used for containing, storing, distributing, transferring, distilling, processing or otherwise handling any gas, vapour or liquid under pressure.

1951,
c. 7, s. 1,
amended

(2) The said section 1 is amended by adding thereto the following clauses:

(kk) "fitting" means any safety valve, stop valve, automatic stop-and-check valve, blow-down valve, reducing valve, water gauge, gauge cock, pressure gauge, injector, test cock, fusible plug, regulating and controlling device, and pipe fitting, attached to or used in connection with any boiler, pressure vessel or plant;

(oo) "major repairs" means repairs upon which the strength of a boiler or pressure vessel will depend.

1951,
c. 7, s. 5,
subs. 1,
amended

2. Subsection 1 of section 5 of *The Boilers and Pressure Vessels Act, 1951* is amended by striking out the words "No person shall be appointed an inspector and" at the commencement thereof, so that the subsection shall read as follows:

Certificate of
competency

(1) No person shall carry out an inspection of any boiler, pressure vessel or plant who does not hold a certificate of competency.

3.—(1) Subsection 1 of section 14 of *The Boilers and Pressure Vessels Act, 1951* is amended by striking out the words “or pressure vessel” in the first line and inserting in lieu thereof the words “pressure vessel or fitting”, so that the subsection shall read as follows:

- (1) Where any boiler, pressure vessel or fitting is to be constructed for use in Ontario, the manufacturer shall submit its design to the Chief Inspector for approval and registration in the Department before commencing its construction.

1951,
c. 7, s. 14,
subs. 1,
amended

Design of
boilers,
etc., to be
submitted to
Chief In-
spector
before con-
struction

(2) Subsection 3 of the said section 14 is amended by striking out the words “or pressure vessel” in the first line and inserting in lieu thereof the words “pressure vessel or fitting”, so that the subsection shall read as follows:

- (3) Where any boiler, pressure vessel or fitting has been constructed without its design having been approved and registered, the Chief Inspector may accept its design for approval and registration if it otherwise meets with the requirements of this Act and the regulations.

Where
design not
approved
before
construction

4. Section 32 of *The Boilers and Pressure Vessels Act, 1951* is amended by striking out all the words after the word “until” in the sixth line and inserting in lieu thereof the words “a further inspection has been made and a new certificate of inspection has been issued therefor”, so that the section shall read as follows:

1951,
c. 7, s. 32,
amended

32. Where any boiler or pressure vessel is found to be in an unsafe condition, no person shall make any major repairs thereto until he has notified an inspector of the nature and extent of such repairs and the inspector has approved thereof, and the boiler or pressure vessel shall not be put into operation or use until a further inspection has been made and a new certificate of inspection has been issued therefor.

Repairs
to boiler
or pressure
vessel found
unsafe

5. Sections 35, 36 and 37 of *The Boilers and Pressure Vessels Act, 1951* are repealed and the following substituted therefor:

1951,
c. 7, ss. 35,
36, 37,
re-enacted

- 35.—(1) The procedures to be followed in the welding of boilers or pressure vessels shall be approved by the Chief Inspector.

Approval
of procedures
in welding

- (2) Every welding operator shall be tested under an approved procedure and no welding operator shall weld except under an approved procedure.

Welding to
be done
under
approved
procedure

- Qualification tests 35a. Every welding operator shall pass such qualification tests as the Chief Inspector may require.
- Identification card 36.—(1) The Chief Inspector shall issue an identification card to every welding operator who successfully passes a qualification test.
- Idem (2) Every identification card shall indicate the employer for which the welding operator is qualified to weld and the class or position of welding that he is qualified to do.
- Further tests 36a. A welding operator may be required at any time to pass such further qualification tests as the Chief Inspector may require, at which time his identification card shall be cancelled and on passing such further tests a new identification card shall be issued to him.
- Fees paid by employer 36b. Such fees as may be prescribed by the regulations for the test of a welding operator shall be paid by the employer of the welding operator at the time the test is given.
- Identification card to be carried by welding operator 37. Every welding operator shall carry his identification card upon his person when welding and shall produce it when requested by an inspector.
- Welding for new employer 37a. When a welding operator changes his employ, he shall not commence to weld for a new employer until he has passed a further qualification test and has been issued a new identification card.
- Prohibition for unqualified person to weld 37b.—(1) No welding operator shall do welding,
(a) unless he is the holder of an identification card;
(b) for an employer other than the employer named on his identification card; or
(c) of a class or position of welding for which he is not qualified.
- Employer not to permit welding by unqualified person (2) No employer shall permit a welding operator to do welding,
(a) who is not qualified to weld for such employer; or
(b) of a class or position of welding for which he is not qualified.

6. Clauses *h*, *i*, *j* and *s* of subsection 1 of section 44 of *The Boilers and Pressure Vessels Act, 1951* are repealed and the following substituted therefor:

1951,
c. 7, s. 44,
subs. 1,
cls. *h*, *i*, *j*, *s*.
re-enacted

- (*h*) prescribing the manner in which the design of a boiler, pressure vessel, fitting or plant shall be registered and numbered and the manner in which a boiler, pressure vessel or fitting shall be marked or identified;
- (*i*) prescribing the drawings and specifications that shall accompany an application for approval and registration of the design of a boiler, pressure vessel, fitting or plant and the information to be included therein;
- (*j*) prescribing the fees to be paid on the approval and registration of the design of a boiler, pressure vessel, fitting or plant;

.

- (*rr*) prescribing the conditions under which a boiler or pressure vessel may be mounted on a vehicle;
- (*s*) providing for the assigning of symbols to welding operators and the manner in which such symbols shall be stamped by the welding operator on welds made by him;

.

- (*vv*) prescribing, regulating and governing the use or installation of boilers or pressure vessels or of any class or type thereof.

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Boilers and Pressure Vessels Amendment Act, 1953*.

Short title

CHAPTER 10

An Act respecting Brucellosis Control

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "brucellosis" means an infectious disease of cattle caused by the organism *brucella aborta*;
- (b) "cattle owner" means any person owning or keeping one or more head of cattle and includes any person in charge of premises where cattle are kept;
- (c) "chief inspector" means Provincial Veterinarian;
- (d) "Commissioner" means Live Stock Commissioner;
- (e) "inspector" means an inspector appointed under this Act and includes chief inspector;
- (f) "Minister" means Minister of Agriculture;
- (g) "regulations" means regulations made under this Act;
- (h) "vaccinate" means inoculate by vaccine in accordance with the regulations;
- (i) "veterinarian" means a person holding a certificate entitling him to practice veterinary science under *The Veterinary Science Practice Act*.

Rev. Stat.,
c. 409

2.—(1) Upon receipt of a petition that bears the signatures of more than two-thirds of the cattle owners in any township, the council thereof at its next meeting shall pass a by-law requiring all the female calves within the township to be vaccinated.

Petition
to pass
by-law

Copy of
by-law to
Commissioner

(2) The clerk of the township shall send a certified copy of the by-law to the Commissioner within seven days after it is passed.

Committee
to be
appointed

3.—(1) Where the council of a township has passed a by-law under this Act, the council shall appoint, within thirty days of the passing of the by-law, a committee of five persons consisting of the chief inspector and the agricultural representative for the district within which the township is located who shall be members *ex officio*, and three persons, at least two of whom shall be cattle owners, resident within the township who shall be appointed annually by the council.

Duties of
committee

(2) The committee shall supervise the control of brucellosis within the township and make reports to the council as may be required by the regulations and from time to time make recommendations to the council for the appointment of and the entering into agreements with veterinarians and the appointment of inspectors for the carrying out of the provisions of this Act and the regulations.

Agreements
with veter-
inarians

(3) Upon the recommendation of the committee, the council shall appoint and enter into an agreement with one or more veterinarians for the vaccination of female calves within the township.

Inspectors

(4) Upon the recommendation of the committee, the council shall appoint such number of inspectors as may be recommended by the committee for the enforcement of this Act and the regulations.

Certificate
of appoint-
ment as
evidence

(5) The production by a veterinarian or an inspector of a certificate of his appointment purporting to be signed by the clerk of the township or by the Minister, as the case may be, shall be accepted as *prima facie* evidence of his appointment under this Act.

Power of
entry

(6) In the performance of his duties under this Act, a veterinarian or an inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house and may vaccinate or inspect, as the case may be, the female calves on the premises.

Owner of
cattle to
make calves
available

4. Where the council of a township has passed a by-law under this Act, every cattle owner shall provide such information as an inspector may require and shall make his female calves available for vaccination.

Report of
veterin-
arian

5.—(1) Each veterinarian shall make a report at the time of vaccination showing the name and address of the cattle owner, the number of calves vaccinated and the identification

thereof,

thereof, and shall forward a copy of each report to the clerk of the township within one month of the making thereof.

(2) Every cattle owner is liable for the cost of vaccination of his female calves which shall be payable on demand to the veterinarian and shall be recoverable in any court of competent jurisdiction. Owner liable for costs of vaccination

6.—(1) No person shall hinder or obstruct a veterinarian in entering any land or building, other than a dwelling house, or in vaccinating female calves. Prohibition to hinder or obstruct veterinarian

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information. Inspector

7. Every person who contravenes or fails to comply with this Act or the regulations or any by-law passed under this Act is guilty of an offence and on summary conviction is liable for a first offence to a penalty of not less than \$10 and not more than \$50, and for each subsequent offence to a penalty of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days. Penalty

8. The Lieutenant-Governor in Council may make regulations, Regulations

- (a) exempting any class of female calves from this Act;
- (b) prescribing the vaccines that may be used in vaccination of female calves;
- (c) prescribing the methods of vaccination;
- (d) prescribing the ages within which female calves may be vaccinated by a veterinarian under an agreement with the township;
- (e) governing the vaccination of female calves at ages other than those within which vaccination may be made by a veterinarian under an agreement with the township;
- (f) providing for the control of brucellosis in territory without municipal organization and providing for the payment of the cost thereof;
- (g) providing for the instruction of inspectors and prescribing their duties and the basis of payment for their services;
- (h) prescribing the duties of committees;

(i)

- (i) providing for the remuneration and the payment of expenses of inspectors and members of committees;
- (j) requiring reports to be made by veterinarians, inspectors and committees under this Act and prescribing the forms thereof;
- (k) providing for the making of grants by the Minister out of such moneys as may be appropriated therefor by the Legislature so as to reimburse any township to such extent as is designated for any expense it has been put to under this Act;
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Brucellosis Control Act, 1953*.

CHAPTER 11

An Act to amend The Canada Company's Lands Act, 1922

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Canada Company's Lands Act, 1922* is ^{1922,} amended by striking out the words "twenty-five cents" in ^{c. 24, s. 3,} the second line and inserting in lieu thereof the symbol and figure "\$1" and by striking out the words "ten dollars" in the third line and inserting in lieu thereof the symbol and figures "\$25", so that the section shall read as follows:

3. The price to be paid by the owner purchasing under ^{Price} section 2, shall be at the rate of \$1 per acre, but in no case less than \$25 for any such grant.

2. Section 4 of *The Canada Company's Lands Act, 1922* ^{1922,} is amended by striking out the words "without survey and" ^{c. 24, s. 4,} in the first line and the words "*of Ontario*" in the third line, so that the section shall read as follows:

4. A grant may issue without performance of any of the ^{Conditions} conditions or requirements of *The Mining Act*. <sup>Rev. Stat.,
c. 236</sup>

3. *The Canada Company's Lands Act, 1922* is amended by ^{1922, c. 24,} adding thereto the following section: ^{amended}

4a. The Minister of Mines may require the lands to be ^{Survey} surveyed by an Ontario land surveyor at the expense ^{of lands} of the applicant.

4. This Act may be cited as *The Canada Company's Lands* ^{Short title} *Amendment Act, 1953*.

CHAPTER 12

An Act to amend The Cemeteries Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Cemeteries Act* is amended by adding thereto the following clauses:

Rev. Stat.,
c. 46, s. 8,
subs. 1,
amended

- (i) prescribing the percentage of money received on the sale of any lot in a cemetery or compartment in a mausoleum or columbarium that shall be set aside in a fund for perpetual care by the owner;
- (j) requiring and prescribing records in connection with the establishment, maintenance and operation of cemeteries to be kept by owners, and prescribing the times at which such records shall be submitted to the Minister and the information that shall accompany such records.

2. *The Cemeteries Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 46,
amended

16a.—(1) Every owner shall set aside in a fund for perpetual care such percentage of all money received on the sale of a lot in a cemetery or a compartment in a mausoleum or columbarium as the regulations may prescribe.

Percentage
of sale price
to be set
aside in fund

(2) The owner shall invest the money in the fund for perpetual care in the same manner as trustees are authorized to invest trust money or in such manner as the owner may be authorized to invest such money by any general or special Act of the Legislature and out of the income of such investment shall preserve and maintain in a proper manner in perpetuity all lots, tombs, monuments and enclosures in the cemetery.

Use of fund

17a. Every owner of a cemetery shall keep such records in connection with the establishment, maintenance

Records
to be kept
by owners

and

and operation of the cemetery as the regulations may require and shall submit such records to the Minister at such times and with such information as the regulations may prescribe.

Books and records to be open to officers of Department

- 17b. Such officers of the Department as the Minister may appoint to inspect the books and records kept by owners in respect of the establishment, maintenance and operation of cemeteries, shall for the purpose of inspection have access to all such books and records at all reasonable times.

Rev. Stat., c. 46, s. 39, re-enacted

3. Section 39 of *The Cemeteries Act* is repealed and the following substituted therefor:

Power of municipality to expropriate cemetery or land to establish cemetery

39. The council of a local municipality may, with the approval of the Lieutenant-Governor in Council, pass a by-law,

(a) for expropriating land in the municipality for the establishment of a cemetery; or

(b) for expropriating a cemetery situate in the municipality or within an adjacent township or in unorganized territory,

Rev. Stat., c. 243

and Parts XV and XVI of *The Municipal Act* shall *mutatis mutandis* apply to the exercise of such powers of expropriation.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Cemeteries Amendment Act, 1953*.

CHAPTER 13

**An Act to amend The Certified
Public Accountants Act**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Certified Public Accountants Act* is repealed and the following substituted therefor: R.S.O. 1937,
c. 236, s. 2,
re-enacted

2. The Association may by resolution of the board, Powers as to
land, etc.

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings, whether or not necessary for the use and occupation of the Association or for carrying on its undertakings, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property whether real or personal;
- (d) borrow money upon the credit of the Association, issue bonds, debentures and debenture stock or other securities and pledge or sell such bonds, debentures, debenture stock or other securities.

2. It is hereby declared that The Certified Public Accountants Association of Ontario is and has been since the 8th day of April, 1926, a body politic and corporate. Declaration
re 1926,
c. 124

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Certified Public Accountants Amendment Act, 1953*. Short title

CHAPTER 14

**An Act to amend The Charitable
Institutions Act**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 8 of *The Charitable Institutions Act* is amended by striking out the word "indigent" in the first line and by striking out the word "ten" in the second line and inserting in lieu thereof the word "twenty", so that the clause shall read as follows:

Rev. Stat.,
c. 49, s. 8,
subs. 1,
cl. a,
amended

(a) For every person an inmate of a refuge, twenty cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

2. This Act may be cited as *The Charitable Institutions Amendment Act, 1953*.

Refuges

Short title

CHAPTER 15

An Act to amend The Chartered Accountants Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Chartered Accountants Act* is repealed and the following substituted therefor:

R.S.O.
1937,
c. 235, s. 2,
subs. 1,
re-enacted

(1) The Institute may by resolution of its council,

Powers as
to land,
etc.

- (a) purchase or otherwise acquire land;
- (b) erect on land held by it or acquire buildings, whether or not necessary for the use and occupation of the Institute or for carrying on its undertaking, and lease any part of such buildings;
- (c) hold, mortgage, charge, lease, dispose of, sell, alienate or convey any property whether real or personal;
- (d) borrow money upon the credit of the Institute, issue bonds, debentures, debenture stock or other securities, and pledge or sell such bonds, debentures, debenture stock or other securities.

2. It is hereby declared that The Institute of Chartered Accountants of Ontario is and has been since the 1st day of February, 1883, a body politic and corporate.

Declaration
re 1882-3,
c. 62

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Chartered Accountants Amendment Act, 1953*.

Short title

CHAPTER 16

An Act to amend The Collection Agencies Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Collection Agencies Act* Rev. Stat., c. 56, s. 1, cl. *a*, amended is amended by inserting after the word "persons" in the third line the words "or of receiving money periodically from persons for distribution to creditors of such persons", so that the clause shall read as follows:

- (a) "collection agency" means a person, other than a collector, who carries on the business of collecting debts for other persons or of receiving money periodically from persons for distribution to creditors of such persons in consideration of the payment of a commission or other remuneration, and includes a person who takes an assignment of debts in consideration of such payment.

2. Clause *c* of section 11 of *The Collection Agencies Act* is Rev. Stat., c. 56, s. 11, cl. *c*, amended amended by inserting after the word "person" in the second line the words "licensed or", so that the clause shall read as follows:

- (c) to any assignee, custodian, liquidator, receiver, R.S.C. 1927, c. 11 trustee or other person licensed or acting under the Rev. Stat., cc. 59, 190 *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada) or any R.S.C. 1927, c. 213 person acting under the order of any court.

3. Clause *a* of section 20 of *The Collection Agencies Act* Rev. Stat., c. 56, s. 20, cl. *a*, amended is amended by inserting after the word "collect" where it occurs the second time in the first line the words "for a person for whom it acts" so that the clause shall read as follows:

- (a) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor.

4. This Act may be cited as *The Collection Agencies Amend-Short title ment Act, 1953*.

CHAPTER 17

An Act to amend The Commissioners for taking Affidavits Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Commissioners for taking Affidavits Act* is repealed. Rev. Stat., c. 57, s. 7, repealed

2. Section 10 of *The Commissioners for taking Affidavits Act* is amended by striking out the words "or by the judges of the Supreme Court or any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes" in the second, third, fourth and fifth lines, so that the section shall read as follows: Rev. Stat., c. 57, s. 10, amended

10. The Lieutenant-Governor may revoke the commission of any commissioner appointed by him. Revocation of commissions

3. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1953*. Short title

CHAPTER 18

An Act to amend The Conditional Sales Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Items 1 to 6 of section 5 of *The Conditional Sales Act* are repealed and the following substituted therefor:

 - 1. For filing a copy of a contract or a renewal statement or an assignment or a certificate of discharge..... \$1.00
 - 2. For a search..... .50
 - 3. For a certificate of filing of a copy of a contract or document..... .50
 - 4. For copies of a copy of a contract or document and certifying the same, for every 100 words..... .20
 - 5. For production and inspection of a copy of a contract or document..... .10

Rev. Stat.,
c. 61, s. 5,
items 1-5,
re-enacted;
item 6
repealed
- 2.** This Act comes into force on the 1st day of July, 1953.

Commence-
ment
- 3.** This Act may be cited as *The Conditional Sales Amend-* Short title
ment Act, 1953.

CHAPTER 19

The Corporations Act, 1953

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "books" includes loose-leaf books where reasonable precautions are taken against the misuse thereof;
- (b) "company" means a corporation with share capital;
- (c) "corporation" means a corporation with or without share capital, but in Part III "corporation" means a corporation without share capital;
- (d) "court" means the Supreme Court or the county or district court of the county or district in which the head office of the corporation is situate;
- (e) "officer" means president, chairman of the board of directors, vice-president, secretary, assistant secretary, treasurer, assistant treasurer, manager or any other person designated an officer by by-law of the corporation;
- (f) "private company" means a company as to which by its special Act, letters patent or supplementary letters patent,
 - (i) the right to transfer its shares is restricted,
 - (ii) the number of its shareholders, exclusive of persons who are in the employment of the company, is limited to fifty, two or more persons holding one or more shares jointly being counted as a single shareholder, and
 - (iii) any invitation to the public to subscribe for its shares or securities is prohibited;

(g)

- (g) "public company" means a company that is not a private company;
- (h) "registers" includes loose-leaf registers where reasonable precautions are taken against the misuse thereof;
- (i) "securities" means bonds, debentures, debenture stock or other like liabilities of a corporation whether constituting a charge on the property of the corporation or not;
- (j) "special resolution" means a resolution passed by the directors and confirmed with or without variation by at least two-thirds of the votes cast at a general meeting of the shareholders or members of the corporation duly called for that purpose, or, in lieu of such confirmation, by the consent in writing of all the shareholders or members entitled to vote at such meeting. R.S.O. 1950, c. 59, s. 1, *amended*.

PART I

CORPORATIONS, INCORPORATION AND NAME

Application **2.** This Part, except where it is otherwise expressly provided, applies,

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Upper Canada;
- (b) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
- (c) to every corporation incorporated by or under a general or special Act of the Legislature;

but this Part does not apply to any corporation incorporated for the construction and working of a railway, an incline railway or a street railway, or to any corporation within the meaning of *The Loan and Trust Corporations Act* except as provided by that Act. *New*.

Rev. Stat.,
c. 214

Incorporation by
letters
patent

3.—(1) The Lieutenant-Governor may in his discretion, by letters patent, issue a charter to any number of persons, not less than three, of twenty-one or more years of age, who apply therefor, constituting them and any others who become shareholders or members of the corporation thereby

created a corporation for any of the objects to which the authority of the Legislature extends, except those of railway and incline railway and street railway corporations and corporations within the meaning of *The Loan and Trust Corporations Act*. R.S.O. 1950, c. 59, s. 2 (1), *amended*. Rev. Stat., c. 214

(2) Notwithstanding anything in subsection 1, a private company may be incorporated under this Act with power to lend and invest money on mortgage of real estate or otherwise, or with power to accept and execute the office of liquidator, receiver, assignee, trustee in bankruptcy or trustee for the benefit of creditors and to accept the duty of and to act generally in the winding up of estates, partnerships and corporations, and shall not by reason thereof be deemed to be a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its letters patent or supplementary letters patent to five, and no such company shall issue securities except to its shareholders, or borrow money on the security of its property except from its shareholders, or receive money on deposit. R.S.O. 1950, c. 59, s. 2 (2), *amended*. Incorporation of private company with limited objects

4. The Lieutenant-Governor may in his discretion issue supplementary letters patent to any corporation that applies therefor amending or otherwise altering or modifying the letters patent or prior supplementary letters patent of the corporation. *New*. Supplementary letters patent

5. The Provincial Secretary may in his discretion and under the seal of his office have, use, exercise and enjoy any power, right or authority conferred by this Act on the Lieutenant-Governor, but not those conferred on the Lieutenant-Governor in Council. R.S.O. 1950, c. 59, s. 3, *amended*. Powers of Provincial Secretary

6. Any applicant under this Act shall establish to the satisfaction of the Provincial Secretary the sufficiency of the application and all documents filed therewith and shall furnish such evidence of the *bona fides* of the application as the Provincial Secretary deems proper. R.S.O. 1950, c. 59, s. 17, *amended*. Sufficiency of material to be established

7. The Provincial Secretary or any person in his department to whom any application is referred may take evidence under oath with respect thereto. R.S.O. 1950, c. 59, s. 18, *amended*. Proof under oath

8. On an application for letters patent, supplementary letters patent or an order, the Lieutenant-Governor may give the corporation a name different from its proposed or existing name, may vary the objects or other provisions of the application and may impose such conditions as he deems proper. R.S.O. 1950, c. 59, s. 8, *amended*. Variation of terms of application

Defects in
form not
to invalidate
letters
patent

9. The provisions of this Act relating to matters preliminary to the issue of letters patent or supplementary letters patent or an order are directory only, and no letters patent or supplementary letters patent or order are void or voidable on account of any irregularity or insufficiency in any matter preliminary to the issue thereof. R.S.O. 1950, c. 59, s. 26, *amended*.

Notice of
issue of
letters
patent

10. The Provincial Secretary shall cause notice of the issue of letters patent, supplementary letters patent or an order to be given forthwith in *The Ontario Gazette*. R.S.O. 1950, c. 59, s. 21, *amended*.

Commence-
ment of
existence

11. A corporation shall be deemed to be in existence on and after the date of its letters patent. R.S.O. 1950, c. 59, s. 22, *amended*.

Corporate
name

12.—(1) A corporation shall not be given a name,

- (a) that is the same as or similar to the name of any known corporation, association, partnership, individual or business if the use of such name by the corporation would be likely to deceive, except where the corporation, association, partnership, individual or person signifies its or his consent in writing that its or his name in whole or in part be granted to a new corporation and, if required by the Provincial Secretary,
 - (i) in the case of a corporation, undertakes to dissolve or change its name within six months after the incorporation of the new corporation, or
 - (ii) in the case of an association, partnership or individual, undertakes to cease to carry on its or his business or activities, or change its or his name, within six months after the incorporation of the new corporation;
- (b) that suggests or implies a connection with the Crown or any member of the Royal Family or the Government of Canada or the government of any province of Canada or any department, branch, bureau, service, agency or activity of any such government without the consent in writing of the appropriate authority;
- (c) that when the objects applied for are of a political nature suggests or implies a connection with any political party or a leader of any political party;

(d)

- (d) that includes the word "co-operative" or any abbreviation or derivation thereof unless the corporation is subject to Part V; or
- (e) that is objectionable on any public grounds. R.S.O. 1950, c. 59, s. 39, *amended*.

(2) If a corporation through inadvertence or otherwise has been or is given a name that is objectionable, the Lieutenant-Governor, after he has given notice to the corporation of his intention so to do, may direct the issue of supplementary letters patent changing the name of the corporation to some other name. R.S.O. 1950, c. 59, s. 41, *amended*.

(3) Any person who feels aggrieved as a result of the giving of a name under subsection 1 or the changing or refusing to change a name under subsection 2 may, upon at least seven days notice to the Provincial Secretary and to such other persons as the court may direct, apply to the court for a review of the matter and the court may make an order changing the name of the corporation to such name as it deems proper or may dismiss the application.

(4) A copy of any order made under subsection 3 shall be filed with the Provincial Secretary by the corporation within ten days after it is made.

(5) Every corporation that fails to comply with subsection 4 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 and every director or officer of the corporation who authorizes, permits or acquiesces in any such failure is guilty of an offence and on summary conviction is liable to a like penalty. *New*.

13. A change in the name of a corporation does not affect its rights or obligations. R.S.O. 1950, c. 59, s. 44.

14. Every person, partnership or association that trades or carries on any business or undertaking under a name in which "Limited", "Incorporated" or "Corporation" or any abbreviation thereof is used unless incorporated is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 36 (5), *amended*.

15. The Provincial Secretary may on application in writing of any person and on the payment of a fee of \$2 reserve a corporate name for the use and benefit of the applicant or his nominee for a period of sixty days or such lesser period as he may specify. *New*.

Notice of
name by
partnership,
etc.

16. Any person, partnership or association may notify the Provincial Secretary of the name under which his or its business or undertaking is carried on and thereupon the Provincial Secretary shall make a notation thereof in his records. *New.*

PART II

COMPANIES

Application

17. This Part, except where it is otherwise expressly provided, applies,

- (a) to every company incorporated by or under a general or special Act of the Parliament of the late Province of Upper Canada;
- (b) to every company incorporated by or under a general or special Act of the Parliament of the late Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
- (c) to every company incorporated by or under a general or special Act of the Legislature;

but this Part does not apply to any company incorporated for the construction and working of a railway, an incline railway or a street railway, or to any corporation within the meaning of *The Loan and Trust Corporations Act* except as provided by that Act. *New.*

Rev. Stat.,
c. 214

Application
for incor-
poration

18.—(1) The applicants for incorporation of a company shall file with the Lieutenant-Governor an application showing:

- 1. The names in full, the place of residence and the calling of each of the applicants.
- 2. The name of the company to be incorporated.
- 3. The objects for which the company is to be incorporated.
- 4. The place within Ontario where the head office of the company is to be situate.
- 5. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares

of each class, and the par value of each share, or, where the shares are to be without par value, the consideration exceeding which each share or the aggregate consideration exceeding which all the shares of each class may not be issued.

6. Where there are to be preference shares, the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them.
7. Where the company is to be a private company, a statement to that effect and the restrictions to be placed on the transfer of its shares.
8. The names of the applicants who are to be the first directors of the company.
9. The class and number of shares to be taken by each applicant and the amount to be paid therefor.
10. Any other matters that the applicants desire to have included in the letters patent.

(2) The applicants may ask to have included in the letters patent any provision that could be the subject of a by-law of the company. R.S.O. 1950, c. 59, s. 4, *amended*. Letters patent

19. Upon incorporation of a company each applicant becomes a shareholder holding the class and number of shares stated in the application to be taken by him and is liable to the company for the amount to be paid therefor. *New*. Original shareholders

20.—(1) The name of every company shall have the word "Limited" as the last word thereof, but a company may use the abbreviation "Ltd." for "Limited" and may be referred to in the same manner. R.S.O. 1950, c. 59, s. 36 (1), *amended*. Use of word "Limited"

(2) This section does not apply to insurers incorporated under Part VI. R.S.O. 1950, c. 59, s. 36 (6). Not applicable to insurers

21.—(1) Where a company or a director, officer or employee thereof uses the name of the company, the word "Limited" or the abbreviation thereof, "Ltd.", shall appear as the last word thereof. R.S.O. 1950, c. 59, s. 36 (2), *amended*. Use of corporation name

(2) Stamping, writing, printing or otherwise marking on goods, wares and merchandise of the company or upon packages containing the same shall not be deemed a use of the name within the meaning of subsection 1. R.S.O. 1950, c. 59, s. 36 (3). Exception

Idem

(3) Every private company shall have the words "private company" on its seal. R.S.O. 1950, c. 59, s. 37, *part*.

Offence and
penalty

(4) Every company that contravenes any requirement of this section and every director, officer or employee of the company who authorizes, permits or acquiesces in any such contravention is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 38, *part, amended*.

Incidental
powers

22.—(1) Every company possesses as incidental and ancillary to the objects set out in the letters patent or supplementary letters patent power,

- (a) to carry on any other business capable of being conveniently carried on in connection with its business or likely to enhance the value of or make profitable any of its property or rights;
- (b) to acquire or undertake the whole or any part of the business, property and liabilities of any person carrying on any business that the company is authorized to carry on;
- (c) to apply for, register, purchase, lease, acquire, hold, use, control, license, sell, assign or dispose of patents, patent rights, copyrights, trade marks, formulae, licences, inventions, processes, distinctive marks and similar rights;
- (d) to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction that the company is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the company, and to lend money to, guarantee the contracts of, or otherwise assist any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, reissue, with or without guarantee, or otherwise deal with the same;
- (e) to take or otherwise acquire and hold shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as to benefit the company;

(f)

- (f) to enter into arrangements with any public authority that may seem conducive to the company's objects and obtain from any such authority any rights, privileges or concessions;
- (g) to establish and support or aid in the establishment and support of associations, institutions, funds or trusts for the benefit of employees or former employees of the company or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this clause, and subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
- (h) to promote any company for the purpose of acquiring or taking over any of the property and liabilities of the company, or for any other purpose that may benefit the company;
- (i) to purchase, lease or take in exchange, hire or otherwise acquire any personal property and any rights or privileges that the company may think necessary or convenient for the purposes of its business;
- (j) to construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, water-courses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences that may advance the company's interests, and contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;
- (k) to raise and assist in raising money for, and to aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any other company with which the company may have business relations or any of whose shares, securities or other obligations are held by the company and to guarantee the performance or fulfilment of any contracts or obligations of any such company or of any person with whom the company may have business relations, and in particular to guarantee the payment of the principal of and interest on securities, mortgages and liabilities of any such company;

(l)

- (l) to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading, warrants and other negotiable or transferable instruments;
- (m) to sell, lease, exchange or dispose of the undertaking of the company or any part thereof as an entirety or substantially as an entirety for such consideration as the company thinks fit, and in particular for shares or securities of any other company having objects altogether or in part similar to those of the company, if authorized so to do by a special resolution;
- (n) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the company in the ordinary course of its business;
- (o) to adopt such means of making known the products of the company as may seem expedient, and in particular by advertising in the press, by circulars, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes and rewards and making donations;
- (p) to cause the company to be registered and recognized in any foreign country or province or territory of Canada, and to designate persons therein according to the laws of such foreign country or province or territory of Canada to represent the company and to accept service for and on behalf of the company of any process or suit;
- (q) to allot and issue fully-paid shares of the company in payment or part payment of any property purchased or otherwise acquired by the company or for any past services rendered to the company;
- (r) to distribute among the shareholders of the company in money, kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner deemed advisable, any property of the company, but no such distribution shall decrease the capital of the company unless made in accordance with this Act;
- (s) to pay all costs and expenses of or incidental to the incorporation and organization of the company;
- (t) to invest and deal with the moneys of the company not immediately required for the objects of the company in such manner as may be determined;
- (u) to do any of the above things and all things authorized by the letters patent or supplementary letters

patent as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;

- (v) to do all such other things as are incidental or conducive to the attainment of the above objects and of the objects set out in the letters patent and supplementary letters patent.

(2) Any of the powers set out in subsection 1 may be withheld or limited by the letters patent or supplementary letters patent. R.S.O. 1950, c. 59, s. 23 (1, 2), *amended*. Powers may be withheld

23.—(1) Except as provided in subsection 2, a company shall not make loans to any of its shareholders or directors, and shall not give to any of its shareholders or directors by means of a guarantee, the provision of security or otherwise, any financial assistance. Loans to shareholders

(2) A company may,

Exceptions

- (a) make loans to any of its shareholders or directors in the ordinary course of its business where the making of loans is part of the ordinary business of the company; or
- (b) make loans to *bona fide* full-time employees of the company whether or not they are shareholders or directors, with a view to enabling them to purchase or erect dwelling houses for their own occupation, and may take from such employees mortgages or other securities for the repayment of such loans; or
- (c) provide, in accordance with a scheme for the time being in force, money by way of loan for the purchase by trustees of fully-paid shares of the company, to be held by or for the benefit of *bona fide* employees of the company, whether or not they are shareholders or directors; or
- (d) make loans to *bona fide* employees of the company, other than directors, whether or not they are shareholders, with a view to enabling them to purchase fully-paid shares of the company to be held by them by way of beneficial ownership; or
- (e) if it is a private company, make loans to any of its shareholders or directors with a view to enabling them to purchase issued shares of the company. R.S.O. 1950, c. 59, ss. 97, 130, *amended*.

By by-law
only

(3) The powers under clauses *b, c, d* and *e* of subsection 2 shall be exercised by by-law only and no such by-law shall be effective until confirmed by two-thirds of the votes cast at a general meeting of the shareholders of the company duly called for that purpose. *New.*

Liability of
directors

(4) Every director and officer of a company making or assenting to a loan in violation of this section shall, until repayment of the loan, be jointly and severally liable to the company and to its creditors for the debts of the company then existing or thereafter contracted to the amount of the loan with interest at the rate of 5 per cent per annum. R.S.O. 1950, c. 59, s. 97, *part, amended.*

Authorized
capital

24.—(1) The authorized capital of a company shall be divided into shares with par value or without par value or both and may consist of shares of more than one class.

Par
shares

(2) Where the shares of a company are with par value, its authorized capital shall be expressed in dollars, pounds, francs or other currency in the letters patent or supplementary letters patent and is an amount equal to the total of the products of the number of shares of each class multiplied by the par value thereof.

No par or
par and
no par
shares

(3) Where the shares of a company are without par value or where part of its shares are with par value and part are without par value, its authorized capital shall be expressed as a specified number of shares in the letters patent or supplementary letters patent. R.S.O. 1950, c. 59, s. 5 (1), *amended.*

Considera-
tion for
no par
shares

(4) Where the shares of a company are without par value or where part of its shares are with par value and part are without par value, the letters patent or supplementary letters patent shall provide that each share without par value or the shares of each class of shares without par value shall not be issued for a consideration exceeding in amount or value a stated amount in dollars, pounds, francs or other currency, and the letters patent or supplementary letters patent may provide, in addition, that such share or shares may be issued for such greater amount as the board of directors of the company may deem expedient on payment to the Treasurer of Ontario of the fees payable on such greater amount and on the issuance by the Provincial Secretary of a certificate of such payment.

Application

(5) Subsection 4 does not apply to shares authorized before the 30th day of April, 1954, unless provisions similar to those in subsection 4 were set forth in the letters patent or supplementary letters patent of the company. *New.*

25. Each share of a class shall be the same in all respects as every other share of that class. R.S.O. 1950, c. 59, s. 5 (2), *amended*. ^{Nature of shares}

26.—(1) If a company has more than one class of shares, one class shall be common shares designated as such and the other class or classes shall be preference shares howsoever designated. ^{More than one class of shares}

(2) Subsection 1 does not apply to shares authorized before the 30th day of April, 1954. *New*. ^{Application}

27.—(1) If a company has more than one class of shares, the letters patent or supplementary letters patent shall provide that the preference shares of a class confer upon the holders thereof a preference or right over the holders of shares of another class either preference or common, and such preference or right, without limiting the nature thereof, may be in respect of dividends, repayment of capital, the right to elect part of the board of directors or the right to convert such shares into shares of another class or other classes of shares or into securities. ^{Preference shares}

(2) The letters patent or supplementary letters patent of a company may provide that the preference shares of a class may have attached thereto conditions, restrictions, limitations or prohibitions including, but without limiting the nature thereof, the right of the company to purchase for cancellation or at its option to redeem all or part of the shares of that class or conditions, restrictions, limitations or prohibitions on the right to vote. ^{Conditions, etc.}

(3) If the letters patent or supplementary letters patent so provide, or if a by-law creating preference shares passed and confirmed before the 30th day of April, 1954, so provides, any preference shares of a class may be redeemed by the company at the request of any holder or number or proportion of such holders. ^{Redemption by share-holders}

(4) Preference shares without par value shall not have a preference in respect of the repayment of capital and shall not be subject to redemption or purchase for cancellation. ^{No par value preference shares not to be redeemed}

(5) Where preference shares with par value are to be redeemed, they shall be redeemed at the amount paid up thereon, but if the letters patent or supplementary letters patent so provide or if a by-law creating preference shares passed and confirmed before the 30th day of April, 1954, so provides, a premium, unpaid dividends, or other stated amount may be paid. ^{Redemption of par value preference shares}

Redemption
at actual
value

(6) Notwithstanding subsection 5, if the letters patent or supplementary letters patent so provide, the preference shares of a class may be redeemed out of money set aside in a fund for such purpose at a price as near as may be to the actual value thereof, and the method of determining such actual value shall be set out in the letters patent or supplementary letters patent.

Redemption
of part

(7) Where the preference shares of a class are made redeemable by the letters patent or supplementary letters patent and if at any time some but not all of such shares are to be redeemed, the shares to be redeemed shall be selected by lot in such manner as the board of directors may determine or as nearly as may be in proportion to the number of shares registered in the name of each shareholder, except that where at least 95 per cent of the holders of preference shares of a class holding at least 95 per cent of the issued shares of such class consent in writing, and none of the holders of shares of such class dissents in writing to the company, the company may redeem all or any of such shares in such manner as the board of directors may determine, and except that where a holder of shares of a private company dies or leaves the employment of a private company, the private company may within one year of such event redeem all or any of such shares held by such deceased shareholder or former employee.

Power to
withhold

(8) The letters patent or supplementary letters patent of a company may withhold any of the powers set out in subsection 7.

Purchase of
preference
shares by
company

(9) Where the letters patent or supplementary letters patent provide that the preference shares may be purchased for cancellation by the company, the company may purchase some or all of such shares at the lowest price at which, in the opinion of the directors, such shares are obtainable, but not exceeding the amount paid up thereon, but if the letters patent or supplementary letters patent so provide, a premium, unpaid dividends, or other stated amount may be paid.

Insolvency

(10) Preference shares shall not be redeemed or purchased for cancellation by the company if the company is insolvent or if the redemption or purchase would render the company insolvent.

Effect of
redemption

(11) Where preference shares are redeemed or purchased for cancellation by the company, they shall be thereby cancelled, and the authorized and the issued capital of the company shall be thereby decreased.

Conversion
of prefer-
ence shares

(12) Where preference shares are converted into the same or another number of shares of another class or classes, whether

preference

preference or common, the shares converted thereupon become the same in all respects as the shares of the class or classes respectively into which they are converted and the number of shares of each class affected by the conversion is changed accordingly.

(13) Where preference shares are converted into another class or other classes of shares, the issued capital of the company shall not be increased or decreased by the conversion. ^{Issued capital unchanged on conversion}

(14) Subsections 1, 4, 7 and 9 do not apply to shares authorized before the 30th day of April, 1954. ^{Application} *New.*

28.—(1) The letters patent or supplementary letters patent of a company may authorize the issue from time to time in one or more series of the preference shares of a class and may authorize the directors to fix from time to time before such issue the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the shares of each series of such class. ^{Preference shares in series}

(2) The shares of all series of the same class of preference shares shall carry the same voting rights or the same restrictions, conditions, limitations or prohibitions on the right to vote. ^{Voting rights}

(3) Where any dividends or amounts payable on a repayment of capital are not paid in full, the shares of all series of the same class of preference shares shall participate rateably in respect of such dividends, including accumulations, if any, in accordance with the sums that would be payable on such shares if all such dividends were declared and paid in full, and on any repayment of capital in accordance with the sums that would be payable on such repayment of capital if all sums so payable were paid in full. ^{Dividends}

(4) No shares of any series of a class of preference shares shall be issued until supplementary letters patent have been issued setting forth the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the shares of such series except in the case of the first series if such designation, preferences, rights, conditions, restrictions, limitations or prohibitions have been set forth in the letters patent or prior supplementary letters patent. ^{Conditions precedent to issue}

(5) The Lieutenant-Governor may issue such supplementary letters patent on the application of the company authorized by a resolution of the directors fixing the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the shares of such series and the ^{Issue of supplementary letters patent}

filing

filing with the Provincial Secretary of evidence of the due compliance with the conditions, if any, contained in the letters patent or in any prior supplementary letters patent, precedent to the creation and issue of the shares of such series. *New.*

Voting
rights

29.—(1) Subject to subsection 2 of section 27, every holder of a preference share or a common share shall be entitled to one vote for each preference share or each common share held by him at all meetings of the shareholders of the company, but this subsection does not apply to shares authorized before the 30th day of April, 1954.

Votes

(2) The letters patent or supplementary letters patent may provide for a greater number of votes for each share of a class or classes at all times or on the happening of a stated event. R.S.O. 1950, c. 59, s. 51, *part, amended.*

Issued
capital, par
value shares

30.—(1) Where the shares of a company are with par value, its issued capital shall be expressed in dollars, pounds, francs or other currency and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof. *New.*

No par
value
shares, etc.

(2) Where the shares of a company are without par value or where part of its shares are with par value and part are without par value, its issued capital shall be expressed in dollars, pounds, francs or other currency and is an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the company may be transferred thereto. R.S.O. 1950, c. 59, s. 5 (6), *amended.*

Idem

(3) Nothing in subsection 2 affects the capital of a company in respect of shares without par value issued before the 30th day of April, 1954, if the letters patent or the supplementary letters patent of the company provide that the capital is to be at least equal to the sum of the aggregate par value of all issued shares having par value plus a sum in dollars, pounds, francs or other currency in respect of every issued share without par value plus such amounts as from time to time by by-law of the company may be transferred thereto. R.S.O. 1950, c. 59, s. 5 (7), *amended.*

Idem

(4) Where before the 30th day of April, 1954, a company has set aside part of the consideration received upon the allotment and issue of shares without par value as distributable surplus, the amount of such distributable surplus shall not form part of its issued capital. *New.*

31.—(1) In the absence of a provision to the contrary in the letters patent, supplementary letters patent or by-laws of the company, shares may be allotted and issued at such times and in such manner and to such persons or class of persons as the directors determine. ^{Issue of shares}

(2) Shares with par value shall not be allotted and issued as fully paid except for a consideration payable in cash at least equal to the product of the number of shares allotted and issued multiplied by the par value thereof or for a consideration payable directly or indirectly in property or past services which the directors in good faith determine by express resolution to be in all circumstances of the transaction the fair equivalent of such cash consideration. *New.* ^{Consideration for par value shares}

(3) Shares without par value may be allotted and issued for such consideration as may be fixed by the directors acting in good faith and in the best interests of the company. R.S.O. 1950, c. 59, s. 5 (4), *amended.* ^{Consideration, no par shares}

(4) Shares without par value shall not be allotted and issued as fully paid except for the consideration fixed by the directors as aforesaid payable in cash to the total amount of the consideration so fixed or for a consideration payable directly or indirectly in property or past services which the directors in good faith determine by express resolution to be in all circumstances of the transaction the fair equivalent of such cash consideration. *New.* ^{Idem}

(5) Shares allotted and issued in accordance with this section shall be fully paid and non-assessable upon receipt by the company of the consideration for the allotment and issue thereof, and upon such receipt the holders of such shares shall not be liable to the company or to its creditors in respect thereof. R.S.O. 1950, c. 59, s. 5 (5). ^{Holders not liable to creditors, etc.}

32.—(1) The directors may pass by-laws for the payment of commissions to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional for such shares, but no such commission shall exceed 25 per cent of the amount of the subscription. R.S.O. 1950, c. 59, s. 99 (1), *amended.* ^{Commission on sale of shares}

(2) No by-law passed under subsection 1 shall be effective until it is confirmed by at least two-thirds of the votes cast at a general meeting of shareholders duly called for considering the by-law. *New.* ^{Commission by-laws to be confirmed}

(3) Except as provided in subsection 1, no company shall apply any of its shares or capital, either directly or indirectly, ^{No unauthorized commissions}

in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares of the company or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, whether the shares or capital is so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or is paid out of the nominal purchase money or contract price or otherwise. R.S.O. 1950, c. 59, s. 99 (2).

Supple-
mentary
letters
patent

33.—(1) A company may apply to the Lieutenant-Governor for the issue of supplementary letters patent,

- (a) extending, limiting or otherwise varying its objects;
- (b) changing its name;
- (c) increasing its authorized capital;
- (d) decreasing,

- (i) its authorized capital by cancelling issued or unissued shares with or without par value or by reducing the par value of issued or unissued shares, or

- (ii) its issued capital, if it has shares without par value,

and where it has more capital than it requires, authorizing the repayment of capital to the shareholders to the extent that the issued capital is decreased in any way under this clause;

- (e) redividing its authorized capital into shares of lesser or greater par value;
- (f) consolidating or subdividing any of its shares without par value;
- (g) changing any of its shares with par value into shares without par value;
- (h) changing any of its shares without par value into shares with par value;
- (i) reclassifying any shares with or without par value into shares of a different class;
- (j) varying any provision in its letters patent or supplementary letters patent;
- (k) providing for any other matter or thing in respect of which provision may be made in letters patent under this Act;

- (l) converting it into a public company;
- (m) making it subject to Part IV;
- (n) making it not subject to Part IV;
- (o) converting it into a private company;
- (p) converting it into a corporation without share capital;
- (q) converting it into a corporation, with or without share capital, subject to Part V;
- (r) making it not subject to Part V. R.S.O. 1950, c. 59, ss. 16 (1), 42, *amended*.

(2) An application under clauses *a* to *n* of subsection 1 shall be authorized by a special resolution. Authoriz-
ation of
application,
under cls.
a to *n*

(3) An application under clauses *o* to *r* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital, but if a shareholder dissents in writing to the company the application shall not be made. R.S.O. 1950, c. 59, s. 16 (2), *amended*. under cls. *o*
to *r*

(4) If the application is to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, then in addition to the authorization required by subsection 2 the application shall not be made until it has been authorized in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes and none of the holders of shares of such class or classes dissents in writing to the company, but if the letters patent or prior supplementary letters patent so provide, the authorization required by this subsection may be given by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose. Variation
of rights of
preference
shareholders

(5) Where letters patent or supplementary letters patent Exception issued before the 30th day of April, 1954, provide for an authorization for an application for supplementary letters patent to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to preference shares or to create preference shares ranking in priority to or on a parity with any existing class of preference shares, such authorization shall be effective, and subsection 4 does not apply.

(6) An application under subsection 1 may be made only within six months after the resolution has been confirmed by the shareholders. Time of
application

Exception (7) Subsection 4 does not apply to an arrangement under section 95.

Special Act corporations excepted (8) This section does not apply to a company incorporated by special Act, except that a company incorporated by special Act may apply under this section for the issue of supplementary letters patent changing its name. *New.*

Reduction of capital **34.** On an application for supplementary letters patent decreasing authorized or issued capital, the company shall establish to the satisfaction of the Provincial Secretary that after the decrease the company will be solvent and, if required by the Provincial Secretary, shall establish to his satisfaction that there are no creditors who object to the application. *New.*

Decrease of issued capital **35.** Where issued shares without par value are cancelled, the issued capital is thereby decreased by an amount equal to the total of the products of the average consideration for which the shares of each such class were issued multiplied by the number of shares cancelled of each such class, respectively. *New.*

Liability on decrease of issued capital **36.—**(1) On any decrease of the issued capital of a company by supplementary letters patent, each person who was a shareholder on the date of the supplementary letters patent is individually liable to the creditors of the company for the debts due on that date to an amount not exceeding the amount of the repayment to him or reduction of his liability, or both, as the case may be. R.S.O. 1950, c. 59, s. 16 (3).

Limitation of liability (2) A person is not liable under subsection 1,
(a) unless the company has been sued for the debt within six months after the date of the supplementary letters patent and execution has been returned unsatisfied in whole or in part; and
(b) unless he is sued for the debt within two years from the date of the supplementary letters patent.

Idem (3) After execution has been so returned, the amount due on the execution, not exceeding the amount of the repayment to the person or the reduction of his liability, is the amount recoverable against such person.

Class actions (4) Where there are numerous shareholders liable under this section, the court may permit an action to be brought against one or more of them as representatives of the class, and if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the Master's office all such shareholders as may be found, and the Master shall determine the amount that each should contribute towards

the plaintiff's claim and may direct payment of the sums so determined. *New.*

(5) No person holding shares as executor, administrator, committee of a mentally incompetent person, guardian or trustee who is registered on the books of the company as a shareholder and therein described as representing in any such capacity a named estate, person or trust, is personally liable under this section, but the estate, person or trust is subject to all the liabilities imposed by this section. R.S.O. 1950, c. 59, s. 87 (4), *amended*.

37.—(1) A person entitled to a fraction of a share shall not be entitled to be registered on the books of the company in respect thereof or to receive a share certificate therefor, but he shall be entitled to receive a bearer fractional certificate in respect of such fraction and on presentation at the head office of the company or at a place designated by the company, of bearer fractional certificates for fractions which together represent a whole share, a share certificate for a whole share shall be issued in exchange therefor and the person in whose name such certificate is issued shall be registered on the books of the company as the holder of such share.

(2) Any such bearer fractional certificate is transferable by delivery.

(3) A company may redeem fractions of shares at their market value. *New.*

38. The shares of a company shall be deemed to be personal estate. R.S.O. 1950, c. 59, s. 56 (1), *part*.

39.—(1) The shares of a company are transferable on the books of the company subject to such conditions and restrictions as this Act, the special Act, the letters patent or supplementary letters patent prescribe. R.S.O. 1950, c. 59, s. 56 (1), *part*.

(2) Subject to subsection 3, no by-law shall be passed that in any way restricts the right of a holder of fully-paid shares to transfer them, but by-laws may be passed regulating the method of transfer thereof. R.S.O. 1950, c. 59, s. 56 (2).

(3) Except in the case of shares listed on a recognized stock exchange, where the letters patent, supplementary letters patent or by-laws so provide, the directors may refuse to permit the registration of a transfer of fully-paid shares registered in the name of a shareholder who is indebted to the company. R.S.O. 1950, c. 59, s. 58, *amended*.

40. Every company shall cause to be kept a register of transfers in which all transfers of shares and the date and other particulars of each transfer shall be set out. R.S.O. 1950, c. 59, s. 101, *amended*.

Transfer
agents

41. A company may appoint a transfer agent to keep the register of shareholders and the register of transfers and may also appoint one or more branch transfer agents to keep branch registers of shareholders and branch registers of transfers. *New.*

Where
registers to
be kept

42.—(1) The register of shareholders and the register of transfers shall be kept at the head office of the company or at such other office or place in Ontario as may be appointed by resolution of the directors, and the branch register or registers of shareholders and the branch register or registers of transfers may be kept at such office or offices of the company or other place or places, either within or outside of Ontario, as may be appointed by resolution of the directors.

Valid
registration

(2) Registration of the transfer of a share of the company in the register of transfers or a branch register of transfers is a complete and valid registration for all purposes.

Entry in
branch
transfer
register

(3) In each branch register of transfers shall be recorded only the particulars of the transfers of shares registered in that branch register of transfers.

Entry in
register of
transfers

(4) Particulars of every transfer of shares registered in every branch register of transfers shall be recorded in the register of transfers.

Closing of
register of
transfers

(5) The directors of a company may by resolution close the register of transfers and the branch register or registers of transfers, if any, for a period of time not exceeding forty-eight hours, exclusive of Saturdays and holidays, immediately preceding any meeting of the shareholders, and notice of every such closing shall be given in a newspaper published in the place where the register of transfers is kept and in a newspaper published in each place in which a branch register of transfers is kept. *New.*

Share
certifi-
cates

43.—(1) Every shareholder is entitled to a share certificate in respect of the shares held by him signed by the proper officers in accordance with the company's by-laws in that regard, but the company is not bound to issue more than one share certificate in respect of a share or shares held jointly by several persons and delivery of a share certificate to one of several joint shareholders is sufficient delivery to all. R.S.O. 1950, c. 59, s. 54 (1), *amended*.

Evidence

(2) A share certificate is *prima facie* evidence of the title of the shareholder to the shares represented thereby. R.S.O. 1950, c. 59, s. 54 (3).

Fee

(3) A company may charge a fee of not more than 50 cents for every share certificate issued except that in the case of the

allotment

allotment and issue of shares no fee shall be charged. R.S.O. 1950, c. 59, s. 54 (1), *part, amended*.

44. Where a share certificate is defaced, destroyed or lost, a new certificate may be issued in its place on payment of such fee, if any, not exceeding \$1 and on such terms, if any, as to evidence and indemnity as the directors determine. R.S.O. 1950, c. 59, s. 55, *amended*.

45.—(1) Every share certificate,

Contents
of share
certifi-
cates

- (a) shall bear upon its face the name of the company, the words "Incorporated in the Province of Ontario" or words of like effect and a statement of its authorized capital; and
- (b) shall state the number and class of shares represented thereby, and whether the shares are with par value or without par value, and if partly paid, the amount paid up thereon, or that the shares are fully paid, as the case may be; and
- (c) if it represents preference shares, shall state thereon in legible characters the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the class of preference shares to which it belongs; and
- (d) if it represents shares of a private company, shall bear upon its face the words "Private Company".
R.S.O. 1950, c. 59, s. 37, *part*; s. 54 (1), *part, amended*.

(2) Where some but not all of the preference shares of a class are converted, redeemed or purchased for cancellation, it is unnecessary for the company to change the statement of its authorized capital in the share certificate. *New*.

46. Every share certificate shall be signed manually by at least one officer of the company or by or on behalf of a transfer agent or branch transfer agent of the company, and the company may by by-law provide that any additional signatures required on share certificates may be printed, engraved, lithographed or otherwise mechanically reproduced thereon and in such event share certificates so signed are as valid as if they had been signed manually. R.S.O. 1950, c. 59, s. 54 (2), *amended*.

Signing
of share
certifi-
cates

47.—(1) A company is not bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share. R.S.O. 1950, c. 59, s. 72 (1).

Discharge

(2) The receipt of the shareholder in whose name the share is registered on the books of the company is a valid and binding discharge to the company for any payment made in respect of such share whether notice of such trust has been given to the company or not. R.S.O. 1950, c. 59, s. 72 (2), *amended*.

Applica-
tion of
money paid

(3) The company is not bound to see to the application of the money paid upon such receipt. R.S.O. 1950, c. 59, s. 72 (3).

Authority
to transfer

(4) The written authorization of an executor, administrator, committee of a mentally incompetent person, guardian or trustee, who is registered on the books of the company as holding shares in any such capacity, shall be sufficient justification for the company to register a transfer of such shares, including a transfer into the name of such executor, administrator, committee of a mentally incompetent person, guardian or trustee absolutely. *New*.

Share
warrants

48.—(1) A public company, if so authorized by its letters patent or supplementary letters patent and subject to the provisions respecting share warrants therein contained, may, with respect to any fully-paid shares, issue under the seal of the company a share warrant stating that the bearer of it is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of future dividends on the share or shares specified in the share warrant. R.S.O. 1950, c. 59, s. 65, *amended*.

Entry of
share
warrant
in company
books

(2) On the issue of a share warrant the company shall remove from its books the name of the shareholder then entered thereon as holding such share or shares as if he had ceased to be a shareholder and shall enter in such books the following particulars:

(a) the fact of the issue of the share warrant;

(b) a statement of the shares specified in the share warrant; and

(c) the date of the issue of the share warrant. R.S.O. 1950, c. 59, s. 69, *amended*.

Transfer

(3) A share warrant shall entitle the bearer thereof to the shares therein specified and the shares may be transferred by delivery of the warrant. R.S.O. 1950, c. 59, s. 66.

Bearer of
share war-
rant deemed
shareholder

(4) The bearer of a share warrant shall be deemed to be a shareholder of the company, except that he is not entitled to

receive

receive notice of meetings or a copy of any financial statement or auditor's report and that he is not qualified in respect of shares specified in the share warrant to be a director of the company. R.S.O. 1950, c. 59, s. 68, *amended*.

(5) Upon presentation of a share warrant at a meeting of shareholders, the bearer thereof shall be entitled to attend the meeting and vote the shares specified in the share warrant. R.S.O. 1950, c. 59, s. 71, *amended*. ^{Voting rights}

(6) For the purposes of subsection 5, the expression "share warrant" includes a certificate or other document satisfactory to the company to the effect that the bearer thereof is the holder of a share warrant in respect of the shares specified in the certificate or other document. *New*. ^{Certificate}

(7) The bearer of a share warrant is, subject to the provisions respecting share warrants contained in the letters patent or supplementary letters patent, entitled, on surrendering it for cancellation, to have the shares specified in such share warrant registered in his name on the books of the company, and the company is responsible for any loss incurred by any person by reason of the company entering on its books the name of the bearer of a share warrant in respect of the shares therein specified without the warrant being surrendered and cancelled. R.S.O. 1950, c. 59, s. 67, *amended*. ^{Exchange of warrant for registration as shareholder}

(8) Upon the surrender of a share warrant for cancellation, the date of the surrender shall be entered in the books of the company. R.S.O. 1950, c. 59, s. 70, *part*. ^{Surrender of share warrant}

49.—(1) No transfer of shares, unless made by sale under an execution or under a decree, order or judgment of a court of competent jurisdiction, is valid for any purpose whatsoever until registration thereof has been duly made in the register of transfers or in a branch register of transfers of the company, save only as exhibiting the rights of the parties thereto towards each other, and if absolute, of rendering any transferee jointly and severally liable with the transferor to the company and to its creditors. R.S.O. 1950, c. 59, s. 60, *amended*. ^{Transfers valid only after registration}

(2) Notwithstanding subsection 1, where fully-paid shares are listed on a recognized stock exchange at the time of the delivery of a certificate for such shares with a duly executed power of transfer endorsed thereon or accompanying it, such delivery constitutes a valid transfer of the shares represented by such certificate, but until registration of such transfer is duly made in the register of transfers or in a branch register of transfers of the company, the company may treat the person in whose name the shares represented by such

certificate

certificate are registered on the books of the company as being solely entitled to receive notice of and vote at meetings of shareholders and receive any payments in respect of such shares whether by way of dividends or otherwise.

Power of
attorney
not revoked
by death

(3) A power of attorney contained in a duly executed power of transfer endorsed on or accompanying a share certificate delivered for value before the death of the transferor is not revoked by the death of the transferor but is valid and effectual subject to the conditions or restrictions, if any, contained therein. *New.*

Notice to
owner

50.—(1) The directors may refuse to permit the registration of a transfer of shares on the books of the company for the purpose of notifying the person registered thereon as owner of such shares of the application for such registration, and in that event the company shall forthwith give notice to such person of such application.

Owner may
lodge caveat

(2) The owner may within seven days after the giving of such notice lodge a caveat against the registration of the transfer and thereupon the registration of the transfer shall not be made for a period of forty-eight hours.

Transfer
may be
registered if
no order
served

(3) If within one week after the giving of such notice or the expiration of such period of forty-eight hours, whichever last expires, no order of a competent court enjoining the registration of the transfer has been served upon the company, the transfer may be registered.

Liability of
company

(4) Where a transfer of shares is registered after the proceedings mentioned in this section, the company is not liable in respect of such shares to a person whose rights are purported to be transferred, but nothing in this subsection prejudices any claim the transferor may have against the transferee. R.S.O. 1950, c. 59, s. 61, *amended*.

Where con-
sent of
directors
to transfer
required

51.—(1) No registration of a transfer of shares that are not fully paid shall be made without the consent of the directors and of the transferee and, subject to subsection 4, where such registration is made with the consent of the directors, the transferor is not liable to the company or to its creditors for the amount unpaid on such shares. R.S.O. 1950, c. 59, s. 57 (1), *amended*.

Directors'
liability

(2) Subject to subsection 3, where registration is made with the consent of the directors of a transfer of shares that are not fully paid to a person who the directors have reason to believe is not of sufficient means to pay fully for such shares, the directors are jointly and severally liable to the company

and to its creditors in the same manner and to the same extent as the transferor would have been liable if the registration had not been made. R.S.O. 1950, c. 59, s. 57 (2).

(3) If any director present when such consent to registration is given, forthwith, or if any director then absent, within seven days after he becomes aware of such consent, delivers to any officer of the company his written protest against such consent, and, within seven days after delivery of such protest, sends a copy of such protest by registered letter to the Provincial Secretary, such director thereby and not otherwise exonerates himself from liability under subsection 2. R.S.O. 1950, c. 59, s. 57 (3), *amended*. Relief from liability

(4) Where the transfer of a share upon which a call is unpaid is registered with the consent of the directors and of the transferee, the transferee is liable for the call to the same extent and with the same liability to forfeiture of the share, if the call remains unpaid, as if he had been the holder when the call was made, and the transferor also remains liable for the call until it is paid. R.S.O. 1950, c. 59, s. 57 (4). Liability where call remains unpaid

52. Where upon the death of a holder of any shares or securities of a company a transmission thereof takes place to or title to or control thereof vests or is claimed to vest in any person, herein called "the successor", then, subject to *The Succession Duty Act*, the company is justified in permitting or consenting to the registration thereof in the name of the successor on the company's books or in paying the principal amount thereof or any dividend or interest thereon to the successor, Transmission of deceased shareholder's shares
Rev. Stat., c. 378

- (a) if the successor claims by virtue of any grant of probate or letters of administration or other instrument issued or purporting to be issued by any court or other judicial authority in any jurisdiction, upon production of the same or an authenticated copy thereof or extract therefrom or a certificate of such grant under the seal of such court or other authority without any proof of the authenticity of such seal or other proof whatever and deposit of a copy thereof; or
- (b) if the successor claims by virtue of the laws of any jurisdiction in which any such transmission or vesting of title or control takes place without any grant of probate or letters of administration or other court or judicial action, upon production and deposit of proof thereof in accordance with the laws of such jurisdiction and reasonable evidence of such laws; or
- (c) if the net value of the estate of the deceased holder is less than \$1,500 or if the market value of the shares

shares or securities is less than \$300, upon proof thereof to the reasonable satisfaction of the company and production and deposit of a sworn statement of the successor establishing his claim,

together with, in any such event, production and deposit by the successor of a statement showing the nature of the transmission or vesting of title or control, as the case may be. R.S.O. 1950, c. 59, s. 62, *amended*.

Calls on
shares

53.—(1) The directors may by resolution call in and by notice thereof in writing demand from the shareholders the whole or any part of the amount unpaid on shares held by them at such times and places and in such payments or instalments as this Act, the special Act, the letters patent, the supplementary letters patent, the by-laws or the terms of allotment and issue of such shares require or allow. R.S.O. 1950, c. 59, s. 63 (1), *amended*.

Demand to
state
liability
to for-
feiture

(2) The demand shall state that in the event of the call not being paid in accordance with the demand the shares in respect of which the call was made will be liable to be forfeited. R.S.O. 1950, c. 59, s. 63 (2), *amended*.

Liability
for interest

(3) If a shareholder fails to pay a call due by him on or before the day appointed for the payment thereof, he is liable to pay interest on the amount thereof at the rate of 5 per cent per annum from the day appointed for payment to the time of payment. *New*.

Forfeiture
of shares

(4) In the event of the call not being paid in accordance with the demand, the directors may forfeit any shares on which such call is not paid. R.S.O. 1950, c. 59, s. 63 (3), *part, amended*.

Sale of
forfeited
shares

(5) Any forfeited shares become the property of the company upon the forfeiture, and, subject to its by-laws, may be sold. R.S.O. 1950, c. 59, s. 63 (3), *part*.

Continuing
liability

(6) Notwithstanding such forfeiture, the holder of such shares at the time of forfeiture continues liable to the company and to its creditors for the full amount unpaid on such shares at the time of forfeiture, less any sums that are subsequently received by the company in respect thereof. R.S.O. 1950, c. 59, s. 63 (3), *part, amended*.

Refund of
excess on
sale

(7) Where the company receives on the sale of forfeited shares an amount in excess of the amount then unpaid on such shares, the excess amount shall be paid to the person whose shares were forfeited.

Recovery
of calls
by suit

(8) The directors may, instead of forfeiting any shares, enforce payment of all calls, and interest thereon, by action in any court of competent jurisdiction. *New*.

54. The directors may receive at any time from any shareholder all or any part of the moneys uncalled and unpaid upon any shares held by him. *New.* Right to receive uncalled moneys

55.—(1) A shareholder shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the company beyond the amount unpaid on his shares. R.S.O. 1950, c. 59, s. 75, *amended.* Shareholder's liability limited

(2) A shareholder, until the whole amount has been paid up on his shares, is liable to the creditors of the company to an amount equal to that unpaid thereon, but he is not liable to an action therefor by a creditor until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. Shareholder's liability

(3) The amount due on such execution, not exceeding the amount unpaid on his shares, is the amount recoverable from such shareholder and when so recovered shall be considered as paid on his shares. R.S.O. 1950, c. 59, s. 74 (1). Amount recoverable

(4) A shareholder may plead by way of defence, in whole or in part, to any such action by a creditor any set-off that he could set up against the company except a claim for unpaid dividends or a salary or allowance as a director or officer of the company. R.S.O. 1950, c. 59, s. 74 (2), *amended.* Set-off

56.—(1) No executor, administrator, committee of a mentally incompetent person, guardian or trustee who is registered on the books of the company as a shareholder and therein described as representing in any such capacity a named estate, person or trust is personally liable in respect of the shares that he so represents. R.S.O. 1950, c. 59, s. 76 (1), *part.* Trustees, etc., not personally liable

(2) The estate, person or trust so represented is liable as if the testator, intestate, mentally incompetent person, ward or *cestui que trust* were registered on the books of the company as the holder of the shares. R.S.O. 1950, c. 59, s. 76 (1), *part, amended.* Liability of estate, etc.

(3) If the testator, intestate, mentally incompetent person, ward or *cestui que trust* so represented is not named on the books of the company, the executor, administrator, committee, guardian or trustee is personally liable in respect of such shares as if he held them in his own name as owner thereof. R.S.O. 1950, c. 59, s. 76 (3). Where trustee, etc., liable

Interpre-
tation

57.—(1) The word “mortgagee” as used in subsection 2 includes a trustee for holders of securities.

Mortgagee
not
personally
liable

(2) No mortgagee of a share of a company and no person holding such a share as collateral security who is registered on the books of the company as the holder of such share and therein described as representing in either of such capacities a named mortgagor or person giving such collateral security is personally liable in respect of such share that he so represents, but the mortgagor or other person giving such collateral security is liable as if he were registered on the books of the company as the holder of such share. R.S.O. 1950, c. 59, s. 77, *amended*.

Borrowing
powers

58.—(1) The directors may pass by-laws,

- (a) for borrowing money on the credit of the company; or
- (b) for issuing, selling or pledging securities of the company; or
- (c) for charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the company, including book debts and unpaid calls, rights, powers, franchises and undertaking, to secure any securities or any money borrowed, or other debt, or any other obligation or liability of the company. R.S.O. 1950, c. 59, ss. 78 (1), 82 (1).

Borrowing
by-laws to
be confirmed

(2) No by-law passed under subsection 1 shall be effective until it has been confirmed by at least two-thirds of the votes cast at a general meeting of shareholders duly called for considering the by-law. R.S.O. 1950, c. 59, s. 79.

Irredeemable
securities

59. A condition contained in a security or in a deed for securing a security is not invalid by reason only that the security is thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long. *New*.

Duplicate
to be
filed

60.—(1) A duplicate original, or a copy certified under the seal of the company, of any charge, mortgage or other instrument of hypothecation or pledge made by the company to secure its securities shall be filed forthwith in the office of the Provincial Secretary. R.S.O. 1950, c. 59, s. 82 (2), *amended*.

Exception

Rev. Stat.,
c. 71

(2) Subsection 1 does not apply to any charge or mortgage filed with the Provincial Secretary under *The Corporations Securities Registration Act* or any other Act. R.S.O. 1950, c. 59, s. 82 (3).

61.—(1) Subject to the special Act, letters patent or supplementary letters patent of the company, the directors may declare and the company may pay dividends on the issued shares of the company. *New.* ^{Power to declare dividends}

(2) A dividend may be paid in money or in specie or in kind not exceeding in value the amount of the dividend. ^{Manner of payment of dividends} R.S.O. 1950, c. 59, s. 95 (4), *amended.*

(3) The directors shall not declare and the company shall not pay any dividend or bonus when the company is insolvent, or any dividend or bonus the payment of which renders the company insolvent or that diminishes its capital, and if any dividend or bonus is declared and paid contrary to this subsection, the directors are jointly and severally liable to the company for the amount of the dividend so declared and paid or such part thereof as renders the company insolvent or diminishes its capital. R.S.O. 1950, c. 59, s. 95 (1), *part, amended.* ^{When dividend not to be declared}

(4) If any director present when any such dividend or bonus is declared, forthwith, or if any director then absent, within seven days after he becomes aware of such declaration, delivers to any officer of the company his written protest against such declaration, and within seven days after delivery of such protest sends a copy of such protest by registered letter to the Provincial Secretary, such director thereby and not otherwise exonerates himself from liability under subsection 3. R.S.O. 1950, c. 59, s. 95 (1), *part, amended.* ^{Relief from liability}

(5) Nothing in this section prevents a mining company or a company whose assets are of a wasting character, or a company incorporated for the object of acquiring and administering the assets or a substantial part of the assets of another corporation, either from such corporation or from the assign of such corporation, for the purpose of converting such assets into money and distributing the money among the shareholders of the company, from declaring and paying dividends out of funds derived from the operations of the company. R.S.O. 1950, c. 59, s. 95 (2). ^{Companies with wasting assets}

(6) The powers conferred by subsection 5 may be exercised notwithstanding that the value of the net assets of the company may be thereby reduced to less than the issued capital of the company if the payment of the dividends does not reduce the value of its remaining assets to an amount insufficient to meet all the liabilities of the company exclusive of its issued capital. R.S.O. 1950, c. 59, s. 95 (3). ^{Extent of impairment of capital}

(7) The exercise of the powers conferred by subsection 5 shall be authorized before or approved after the declaration and payment of the dividend by a by-law of the company. R.S.O. 1950, c. 59, s. 95 (5, 6). ^{Special resolution required}

Stock
dividends

62. For the amount of any dividend that the directors may declare payable in money they may declare a stock dividend and issue therefor shares of the company as fully paid or may credit the amount of such dividend on shares of the company already issued but not fully paid, and the liability of the holders of such shares shall be reduced by the amount of such dividend. R.S.O. 1950, c. 59, s. 96.

Closing
transfer
registers

63. The directors, upon declaring a dividend, may direct that no transfer of shares shall be registered on the books of the company for a stated period, not exceeding two weeks, immediately preceding the payment of the dividend, and payment thereof shall be made to the shareholders of record on the date of closing the books. R.S.O. 1950, c. 59, s. 59, *amended*.

Cumulative
voting for
directors

64.—(1) The letters patent, supplementary letters patent or by-laws of a company may provide that every shareholder entitled to vote at an election of directors has the right to cast thereat a number of votes equal to the number of votes attached to the shares held by him multiplied by the number of directors to be elected, and he may cast all such votes in favour of one candidate or distribute them among the candidates in such manner as he sees fit, and that where he has voted for more than one candidate without specifying the distribution of his votes among such candidates, he shall be deemed to have divided his votes equally among the candidates for whom he voted.

Co-ops

(2) This section does not apply to companies to which Part V applies. *New*.

Removal of
directors

65. Where the letters patent, supplementary letters patent or by-laws of a company provide for the election of directors by cumulative voting under section 64, the letters patent, supplementary letters patent or by-laws may provide that the shareholders may, by a resolution passed by at least two-thirds of the votes cast at a general meeting of which notice specifying the intention to pass such resolution was given, remove any director before the expiration of his term of office, and may, by a majority of the votes cast at that meeting, elect any person in his stead for the remainder of his term, but that no director shall be removed where the votes cast against the resolution for his removal would, if cumulatively voted at an election of the full board of directors, be sufficient to elect one or more directors. *New*.

Idem

66.—(1) Where the letters patent, supplementary letters patent or by-laws of a company do not provide for cumulative voting under section 64, the letters patent, supplementary

letters

letters patent or by-laws may provide that the shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice specifying the intention to pass such resolution has been given, remove any director before the expiration of his term of office and may, by a majority of the votes cast at that meeting, elect any person in his stead for the remainder of his term.

(2) Subsection 1 does not affect the operation of any **Exception** provision respecting the removal of directors in the letters patent or supplementary letters patent of a company issued before the 30th day of April, 1954. *New.*

67.—(1) The directors may pass by-laws not contrary to **By-laws** this Act or to the letters patent or supplementary letters patent to regulate,

- (a) the allotment and issue of shares, the making of calls thereon, the payment thereof, the issue of share certificates, the forfeiture of shares for non-payment, the sale of forfeited shares, the transfer and the registration of transfers of shares;
- (b) the declaration and payment of dividends;
- (c) the qualification and remuneration of the directors;
- (d) the time for and the manner of election of directors;
- (e) the appointment, remuneration, functions, duties and removal of agents, officers and employees of the company and the security, if any, to be given by them to the company;
- (f) the time and place and the notice to be given for the holding of meetings of the shareholders and of the board of directors, the quorum at meetings of shareholders, the requirements as to proxies, and the procedure in all things at shareholders' meetings and at meetings of the board of directors;
- (g) the conduct in all other particulars of the affairs of the company. R.S.O. 1950, c. 59, s. 92 (1), *amended.*

(2) Every by-law passed under subsection 1 and every **Confirmation** repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the shareholders duly called for that purpose, is effective only until the next annual meeting of the shareholders unless confirmed thereat,

and

and in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the shareholders. R.S.O. 1950, c. 59, s. 92 (2).

Rejection,
etc.

(3) The shareholders may at the general meeting or the annual meeting mentioned in subsection 2 confirm, reject, amend or otherwise deal with any by-law passed by the directors and submitted to the meeting for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing. R.S.O. 1950, c. 59, s. 92 (3), *amended*.

Payment of
president
and
directors

68. No by-law for the payment of the president as president or of any director as a director shall be effective until it is confirmed at a general meeting of the shareholders duly called for that purpose. R.S.O. 1950, c. 59, s. 93, *amended*.

Executive
committee

69.—(1) Where the number of directors of the board of directors of a company is more than six, the directors may pass a by-law authorizing them to elect from among their number an executive committee consisting of not less than three and to delegate to the executive committee any powers of the board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors.

Confirma-
tion

(2) The by-law shall not be effective until it is confirmed by at least two-thirds of the votes cast at a general meeting of the shareholders duly called for that purpose.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members. R.S.O. 1950, c. 59, s. 86, *amended*.

Disclosure
by directors
of interests
in contracts

70.—(1) Every director of a company who is in any way directly or indirectly interested in a proposed contract or a contract with the company shall declare his interest at a meeting of the directors of the company. R.S.O. 1950, c. 59, s. 94 (2), *part, amended*.

Time of
declara-
tion

(2) In the case of a proposed contract, the declaration required by this section shall be made at the meeting of the directors at which the question of entering into the contract is first taken into consideration, or, if the director is not at the date of that meeting interested in the proposed contract, at the next meeting of the directors held after he becomes so interested, and in a case where the director becomes interested in a contract after it is made, the declaration shall be made at the first meeting of the directors held after the director becomes so interested. R.S.O. 1950, c. 59, s. 94 (2), *part*.

(3) For the purposes of this section, a general notice given ^{General notice} to the directors of a company by a director to the effect that he is a shareholder of or otherwise interested in any other company, or is a member of a specified firm and is to be regarded as interested in any contract made with such other company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made, but no such notice is effective unless it is given at a meeting of the directors or the director takes reasonable steps to ensure that it is brought up and read at the next meeting of the directors after it is given. *New.*

(4) If a director has made a declaration of his interest ^{Effect of declaration} in a proposed contract or contract in compliance with this section and has not voted in respect of such contract, such director is not accountable to the company or to any of its shareholders or creditors for any profit realized from such contract, and such contract is not voidable by reason only of such director holding that office or of the fiduciary relationship established thereby. R.S.O. 1950, c. 59, s. 94 (2), *part.*

(5) Notwithstanding anything in this section, a director ^{Confirmation by shareholders} is not accountable to the company or to any of its shareholders or creditors for any profit realized from such contract and such contract is not by reason only of the interest of the director therein voidable if such contract is confirmed by a majority of the votes cast at a general meeting of the shareholders duly called for that purpose and if the interest of such director in such contract is declared in the notice calling such meeting.

(6) If a director is liable in respect of profit realized from ^{Offence and penalty} any such contract and such contract is by reason only of the interest of the director therein voidable, he is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. *New.*

71.—(1) Upon the filing of a requisition to that effect ^{Directors' returns of dealings and shares} signed by at least one shareholder of a public company holding shares representing at least 1 per cent of the issued capital of the company, each director shall make a return to the company to be presented at the next annual meeting stating the number and class of shares of the company acquired or disposed of by him, directly or indirectly, since the last annual meeting of the company or the incorporation of the company where no annual meeting has been held, giving the date of acquisition or disposition in each case.

(2) Such requisition shall be filed with the secretary of the ^{Filing of requisition} company at least thirty days before the annual meeting at which the return is to be presented.

Filing of
return

(3) When notified that such requisition has been filed, each director shall file his return with the secretary of the company at least two days before the annual meeting at which the return is to be presented.

Offence and
penalty

(4) Every director who fails to make a return as required by this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200.

Director
indemnified
in suits
respecting
execution
of his
office

72. Every director of a company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the company, from and against,

- (a) all costs, charges and expenses whatsoever which such director sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office;
- (b) all other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default. *New.*

Liability
of directors
for wages

73.—(1) The directors of a company are jointly and severally liable to the clerks, labourers, servants, apprentices and other wage earners thereof for all debts due while they are directors for services performed for the company not exceeding six months wages, and for the vacation pay accrued for not more than twelve months under *The Hours of Work and Vacations with Pay Act* and the regulations thereunder or under any collective agreement made by the company. R.S.O. 1950, c. 59, s. 98 (1), *amended.*

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c. 173

Limitation
of liability

(2) A director is not liable under subsection 1,

- (a) unless the company has been sued for the debt within six months after it has become due and execution has been returned unsatisfied in whole or in part, or the company has within that period gone into liquidation or has been ordered to be wound up or has made an authorized assignment under the *Bankruptcy Act, 1949* (Canada), or a receiving order under the *Bankruptcy Act, 1949* (Canada) has been made against it and the claim on the said debt has been fully filed and proved; and

1949 (2nd
Sess.), c. 7
(Can.)

(b)

- (b) unless he is sued for the debt while a director or within six months after he ceases to be a director. R.S.O. 1950, c. 59, s. 98 (2), *amended*.

(3) After execution has been so returned against the ^{Idem} company, the amount recoverable against the director is the amount remaining unsatisfied on the execution.

(4) If the claim for the debt has been proved in liquidation ^{Rights of director who pays the debt} or winding-up proceedings or under the *Bankruptcy Act, 1949* (Canada), a director who pays the debt is entitled to any preference that the creditor paid would have been entitled to, or if a judgment has been recovered for the debt, the director is entitled to an assignment of the judgment. R.S.O. 1950, c. 59, s. 98 (4).

(5) No director holding shares as executor, administrator, ^{Director holding shares in fiduciary capacity} committee of a mentally incompetent person, guardian or trustee who is registered on the books of the company as a shareholder and therein described as representing in any such capacity a named estate, person or trust is personally liable under this section, but the estate, person or trust is subject to all the liabilities imposed by this section. R.S.O. 1950, c. 59, s. 87 (4), *amended*.

74.—(1) Subject to subsections 2 and 3, the meetings of ^{Place of meetings} the shareholders, the board of directors and the executive committee shall be held at the place where the head office of the company is situate.

(2) Where the by-laws of the company so provide, the ^{Exception} meetings of the board of directors and of the executive committee may be held at any place within or outside of Ontario and the meetings of the shareholders may be held at any place within Ontario.

(3) Where the letters patent or supplementary letters patent ^{Exception} of the company so provide, the meetings of the shareholders may be held at one or more places outside of Ontario designated therein. R.S.O. 1950, c. 59, s. 53, *amended*.

75.—(1) Every shareholder, including a corporate share- ^{Proxies} holder, entitled to vote at meetings of shareholders may by instrument in writing appoint a proxy, who need not be a shareholder, to attend and act at the meeting in the same manner, to the same extent and with the same power as if the shareholder were present at the meeting. R.S.O. 1950, c. 59, s. 51, *part, amended*.

(2) An instrument appointing a proxy shall be in writing ^{Execution} under the hand of the appointor or of his attorney authorized in writing, or, if the appointor is a corporation, under the corporate seal or under the hand of an officer or attorney so

authorized,

authorized, and ceases to be valid after the expiration of one year from the date of its execution. R.S.O. 1950, c. 59, s. 52 (1), *amended*.

Contents

(3) An instrument appointing a proxy shall contain the date of its execution and the appointment and name of the proxy and may contain a revocation of a former instrument appointing a proxy, restrictions, limitations or instructions as to the manner in which the shares covered by the instrument are to be voted or which may be necessary to comply with the laws of any jurisdiction in which the shares of the company are listed on a recognized stock exchange, or a restriction or limitation as to the number of shares covered by the instrument, but nothing else. R.S.O. 1950, c. 59, s. 52 (4), *amended*.

Revocation

(4) An instrument appointing a proxy may be revoked at any time by an instrument in writing under the hand of the appointor or of his attorney authorized in writing, or, if the appointor is a corporation, under the corporate seal or under the hand of an officer or attorney so authorized, and written notice of the revocation shall be deposited at the head office of the company or with the chairman of any meeting at which the instrument appointing the proxy may be used and shall be served on the proxy either personally or by post addressed to his last known address, and upon either of such deposits and upon either personal service or the expiration of two days of mailing, the instrument appointing the proxy is revoked. R.S.O. 1950, c. 59, s. 52 (5), *amended*.

Deposit of proxies

(5) The directors may by resolution fix a time, not exceeding forty-eight hours, excluding Saturdays and holidays, preceding any meeting of the shareholders before which time instruments appointing proxies to be used at that meeting must be deposited with the company, and any period of time so fixed shall be specified in the notice calling the meeting. R.S.O. 1950, c. 59, s. 52 (6), *amended*.

Unauthorized voting

Rev. Stat.,
c. 351

76.—(1) A company may by by-law provide that any person who is a broker, broker-dealer, sub-broker-dealer or salesman within the meaning of *The Securities Act* shall not vote in person at a shareholders' meeting or appoint a proxy to vote at such meeting in respect of shares unless he is the beneficial owner of such shares or unless he is authorized so to do by the beneficial owner of such shares.

Offence and penalty

(2) Any person who contravenes a by-law passed under subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 or to imprisonment for a term of not more than three months, or both.

Effect of contravention

(3) No proceeding, matter or thing at any shareholders' meeting is void or voidable by reason only of a contravention of a by-law passed under subsection 1.

77. An executor, administrator, committee of a mentally incompetent person, guardian or trustee, and where a corporation is such executor, administrator, committee, guardian or trustee of a testator, intestate, mentally incompetent person, ward or *cestui que trust*, any person duly appointed a proxy for such corporation, shall represent the shares in his hands at all meetings of the shareholders of the company and may vote accordingly as a shareholder, and every person who mortgages or hypothecates his shares may nevertheless represent the shares at all such meetings and may vote accordingly as a shareholder unless in the instrument creating the mortgage or hypothec he has expressly empowered the holder of such mortgage or hypothec to vote thereon, in which case only such holder or his proxy may vote in respect of such shares. R.S.O. 1950, c. 59, s. 73 (1), *amended*.

78. If shares are held jointly by two or more persons, any one of them present at a meeting of the shareholders of the company may, in the absence of the other or others, vote thereon, but if more than one of them are present or represented by proxy, they shall vote together on the shares jointly held. R.S.O. 1950, c. 59, s. 73 (2).

79.—(1) Subject to subsection 2 and in the absence of other provisions in that behalf in the by-laws of the company,

- (a) notice of the time and place for holding any meeting of the shareholders shall, unless all the shareholders entitled to notice of such meeting have waived in writing such notice, be given by sending the notice to each shareholder entitled to notice of such meeting by prepaid post ten days or more before the date of the meeting to his last address as shown on the books of the company; R.S.O. 1950, c. 59, s. 45, *amended*.
- (b) no shareholder in arrear in respect of any call is entitled to vote at any meeting; R.S.O. 1950, c. 59, s. 51, *part*.
- (c) all questions proposed for the consideration of the shareholders at any meeting of shareholders shall be determined by the majority of the votes cast and the chairman presiding at the meeting has a second or casting vote in case of an equality of votes; R.S.O. 1950, c. 59, s. 50 (3), *part*.
- (d) the chairman presiding at a meeting of shareholders may, with the consent of the meeting and subject to such conditions as the meeting may decide, adjourn the meeting from time to time and from place to place; R.S.O. 1950, c. 59, s. 49.

(e)

(e) the president, or in his absence a vice-president who is a director, shall preside as chairman at a meeting of shareholders, but if there is no president or such a vice-president or if at a meeting neither of them is present within fifteen minutes after the time appointed for the holding of the meeting, the shareholders present shall choose a person from their number to be the chairman; R.S.O. 1950, c. 59, s. 48.

(f) unless a poll is demanded, an entry in the minutes of a meeting of shareholders to the effect that the chairman declared a motion to be carried is *prima facie* evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the motion. R.S.O. 1950, c. 59, s. 50 (1).

Notice

(2) Except in the case of a company to which Part V applies, the by-laws of the company shall not provide for less than ten days notice of meetings of shareholders and shall not provide that notice may be given otherwise than individually. *New.*

Poll

(3) If a poll is demanded, it shall be taken in such manner as the by-laws prescribe and if the by-laws make no provision therefor, then as the chairman may direct. R.S.O. 1950, c. 59, s. 50 (2).

Appoint-
ment of
auditor

80.—(1) The shareholders of a company at their first general meeting shall appoint one or more auditors to hold office until the first annual meeting, and if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments. R.S.O. 1950, c. 59, s. 111, *amended.*

Idem

(2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the next annual meeting, and, if an appointment is not so made, the auditor in office shall continue in office until a successor is appointed. R.S.O. 1950, c. 59, s. 112, *part, amended.*

Casual
vacancy

(3) The directors may fill any casual vacancy in the office of auditor, but while such vacancy continues the surviving or continuing auditor, if any, may act. R.S.O. 1950, c. 59, s. 115, *amended.*

Removal

(4) The shareholders may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice of intention to pass such resolution has been given, remove any auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term. R.S.O. 1950, c. 59, s. 112, *part, amended.*

(5) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors. R.S.O. 1950, c. 59, s. 116, *amended*. ^{Remuneration}

(6) If for any reason no auditor is appointed, the Provincial Secretary may, on the application of any shareholder, appoint one or more auditors for that year and fix the remuneration to be paid by the company for his or their services. R.S.O. 1950, c. 59, s. 114, *amended*. ^{Appointment by Provincial Secretary}

(7) Notice of the appointment of an auditor shall be given in writing to him forthwith after the appointment is made. ^{Notice}
New.

81.—(1) Except as provided in subsection 2, no person shall be appointed as auditor of a company who is a director, officer or employee of that company or an affiliated company or who is a partner or employee of any such director, officer or employee. ^{Qualification of auditor}

(2) Upon the unanimous vote of the shareholders of a private company present or represented at the meeting at which the auditor is appointed, a director, officer or employee of that company or a partner or employee of such director, officer or employee may be appointed as auditor of that company, if it is not a subsidiary company of a company incorporated by any legislative jurisdiction in Canada which is not a private company within the meaning of this Act. R.S.O. 1950, c. 59, s. 113, *amended*. ^{Private companies}

(3) A person appointed as auditor under subsection 2 shall indicate in his report to the shareholders on the annual financial statement of the company that he is a director, officer or employee of the company or a partner or employee of such director, officer or employee. ^{Notice}
New.

82.—(1) The auditor shall make such examination as will enable him to report to the shareholders as required under subsection 2. R.S.O. 1950, c. 59, s. 110, *amended*. ^{Annual audit}

(2) The auditor shall make a report to the shareholders on the financial statement to be laid before the company at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the company and the results of its operations for the period under review. ^{Auditor's report}

Idem

(3) The auditor in his report shall make such statements as he considers necessary,

- (a) if the company's financial statement is not in agreement with the accounting records;
- (b) if the company's financial statement is not in accordance with the requirements of this Act;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination. R.S.O. 1950, c. 59, s. 117 (2), *amended*.

Right of
access, etc.

(4) The auditor of a company has right of access at all times to all records, documents, books, accounts and vouchers of the company, and is entitled to require from the directors and officers of the company such information and explanation as in his opinion may be necessary to enable him to report as required by subsection 2. R.S.O. 1950, c. 59, s. 117 (1), *amended*.

Auditor
may attend
share-
holders'
meetings

(5) The auditor of a company is entitled to attend any meeting of shareholders of the company and to receive all notices and other communications relating to any such meeting that any shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. *New*.

Information
to be laid
before
annual
meeting

83.—(1) The directors shall lay before each annual meeting of shareholders,

- (a) a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting, or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of,
 - (i) a statement of profit and loss for such period,
 - (ii) a statement of surplus for such period,
 - (iii) a balance sheet made up to the end of such period;
- (b) the report of the auditor to the shareholders;

(c)

- (c) such further information respecting the financial position of the company as the letters patent, supplementary letters patent or by-laws of the company require. R.S.O. 1950, c. 59, s. 46 (2), *amended*.

(2) The statements referred to in subclauses i, ii and iii of clause *a* of subsection 1 shall comply with and be governed by sections 84 to 88, but it shall not be necessary to designate them the statement of profit and loss, statement of surplus and balance sheet. *New*.

(3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder. R.S.O. 1950, c. 59, s. 117 (3), *amended*.

84.—(1) Every statement of profit and loss to be laid before an annual meeting shall be drawn up so as to present fairly the results of the operations of the company for the period covered by the statement and so as to distinguish severally at least,

- (a) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;
- (b) income from investments in subsidiaries whose financial statements are not consolidated with those of the company;
- (c) income from investments in affiliated companies other than subsidiaries;
- (d) income from other investments;
- (e) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;
- (f) provision for depreciation or obsolescence or depletion;
- (g) amounts written off for goodwill or amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;
- (h) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense;

- (i) total remuneration of directors as such from the company and subsidiaries whose financial statements are consolidated with those of the company, including all salaries, bonuses, fees, contributions to pension funds and other emoluments;
- (j) taxes on income imposed by any taxing authority, and shall show the net profit or loss for the financial period.

Notes

(2) Notwithstanding subsection 1, items of the natures described in clauses *f*, *g*, and *i* of subsection 1 may be shown by way of note to the statement of profit and loss. *New*.

Statement of surplus

85.—(1) Every statement of surplus shall be drawn up so as to present fairly the transactions reflected in such statement and shall show separately a statement of contributed surplus and a statement of earned surplus.

Contributed surplus

(2) Every statement of contributed surplus shall be drawn up so as to include and distinguish the following items:

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period including,
 - (a) the amount of surplus arising from the issue of shares or the reorganization of the company's issued capital, including *inter alia*,
 - (i) the amount of premiums received on the issue of shares at a premium,
 - (ii) the amount of surplus realized on the purchase for cancellation of shares; and
 - (b) donations of cash or other property by shareholders.
3. The balance of such surplus at the end of the financial period.

Earned surplus

(3) Every statement of earned surplus shall be drawn up so as to distinguish at least the following items:

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:

(i)

- (i) The amount of the net profit or loss for the financial period.
 - (ii) The amount of dividends declared on each class of shares.
 - (iii) The amount transferred to or from reserves.
3. The balance of such surplus at the end of the financial period.

86.—(1) Every balance sheet to be laid before an annual meeting shall be drawn up so as to present fairly the financial position of the company as at the date to which it is made up and so as to distinguish severally at least the following:

1. Cash.
2. Debts owing to the company from its directors, officers or shareholders, except debts of reasonable amount arising in the ordinary course of the company's business that are not overdue having regard to the company's ordinary terms of credit.
3. Debts owing to the company, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the company.
4. Debts owing to the company, whether on account of a loan or otherwise, from affiliated companies other than subsidiaries.
5. Other debts owing to the company, segregating those that arose otherwise than in the ordinary course of the company's business.
6. Shares or securities, except those referred to in items 8 and 9, stating their nature and the basis of valuation thereof and showing separately marketable securities with a notation of their market value.
7. Inventory, stating the basis of valuation.
8. Shares or securities of subsidiaries, stating the basis of valuation.
9. Shares or securities of affiliated companies other than subsidiaries, stating the basis of valuation.

10. Lands, buildings, and plant and equipment, stating the basis of valuation, whether cost or otherwise, and if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and the disposition in the accounts of the company of any amounts added to or deducted from such assets on appraisal after the 30th day of April, 1954, and also the amount or amounts accumulated in respect of depreciation, obsolescence and depletion.
11. There shall be stated under separate headings, in so far as they are not written off, (i) expenditures on account of future business; (ii) any expense incurred in connection with any issue of shares; (iii) any expense incurred in connection with any issue of securities, including any discount thereon; and (iv) any one or more of the following: goodwill, franchises, patents, copyrights, trade marks and other intangible assets and the amount, if any, by which the value of any such assets has been written up after the 30th day of April, 1954.
12. The aggregate amount of any outstanding loans under clauses *c*, *d* and *e* of subsection 2 of section 23.
13. Bank loans and overdrafts.
14. Debts owing by the company on loans from its directors, officers or shareholders.
15. Debts owing by the company to subsidiaries whether on account of a loan or otherwise.
16. Debts owing by the company to affiliated companies other than subsidiaries whether on account of a loan or otherwise.
17. Other debts owing by the company, segregating those that arose otherwise than in the ordinary course of the company's business.
18. Liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss.
19. Dividends declared but not paid.
20. Deferred income.
21. Securities issued by the company, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any.
- 22.

22. The authorized capital, giving the number of each class of shares, and a brief description of each such class and indicating therein any class of shares which is redeemable and the redemption price thereof.

23. The issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing,

(a) the number of shares of each class issued since the date of the last balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration; and

(b) where any shares have not been fully paid,

(i) the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and

(ii) the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid.

24. Contributed surplus.

25. Earned surplus.

26. Reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period. R.S.O. 1950, c. 59, s. 46 (3), *amended*.

(2) Explanatory information or particulars of any item ^{Notes} mentioned in subsection 1 may be shown by way of note to the balance sheet. *New*.

87.—(1) There shall be stated by way of note to the ^{Notes to} financial statement particulars of any change in accounting ^{financial} principle or practice or in the method of applying any account- ^{statement} ing principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the profit or loss for the period.

(2) Where applicable, the following matters shall be referred ^{idem} to in the financial statement or by way of note thereto:

1. The basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed.
2. Foreign currency restrictions that affect the assets of the company.
3. Contractual obligations that will require abnormal expenditures in relation to the company's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts.
4. Material contractual obligations in respect of long term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction.
5. Contingent liabilities, stating their nature and, where practicable, the approximate amounts involved.
6. Any liability secured otherwise than by operation of law on any asset of the company, stating the liability so secured, but it is not necessary to specify the asset on which the liability is secured.
7. Any default of the company in principal, interest, sinking fund or redemption provisions with respect to any issue of its securities or credit agreements.
8. The gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid.
9. Where a company has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option.
10. The total remuneration of directors as such of a holding company from subsidiaries whose financial statements are not consolidated with those of the holding company, including all salaries, bonuses, fees, contributions to pension funds, and other emoluments.
11. In the case of a holding company, the aggregate of any shares in, and the aggregate of any securities of, the holding company held by subsidiary companies whose financial statements are not consolidated with that of the holding company.

12. The amount of any loans by the company, or by a subsidiary company, otherwise than in the ordinary course of business, during the company's financial period, to the directors or officers of the company.
13. Any restriction by the letters patent, supplementary letters patent or by-laws of the company or by contract on the payment of dividends that is significant in the light of the company's financial position.

(3) Every note to a financial statement is a part of it. *Idem*
New.

88. Notwithstanding sections 84 to 87, it is not necessary to state in a financial statement any matter that in all the ^{Insignificant circum-}stances ^{stances} is of relative insignificance. *New.*

89.—(1) Any company, in this section referred to as “the holding company”, may include in the financial statement to be submitted at any annual meeting the assets and liabilities and income and expense of any one or more of its subsidiaries making due provision for minority interests, if any, and indicating in such financial statement that it is presented in consolidated form. ^{Consolidated financial statement}

(2) Where the assets and liabilities and income and expense of any one or more subsidiaries of the holding company are not so included in the financial statement of the holding company, *Idem*

(a) the financial statement of the holding company shall include a statement setting forth,

- (i) the reason why the assets and liabilities and income and expense of such subsidiary or subsidiaries are not included in the financial statement of the holding company,
- (ii) if there is only one such subsidiary, the amount of the holding company's proportion of the profit or loss of such subsidiary for the financial period coinciding with or ending in the financial period of the holding company, or, if there is more than one such subsidiary, the amount of the holding company's proportion of the aggregate profits less losses, or losses less profits, of all such subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding company,
- (iii) the amount included as income from such subsidiary or subsidiaries in the statement of

profit

profit and loss of the holding company and the amount included therein as a provision for the loss or losses of such subsidiary or subsidiaries,

- (iv) if there is only one such subsidiary, the amount of the holding company's proportion of the undistributed profits of such subsidiary earned since the acquisition of the shares of such subsidiary by the holding company to the extent that such amount has not been taken into the accounts of the holding company, or, if there is more than one such subsidiary, the amount of the holding company's proportion of the aggregate undistributed profits of all such subsidiaries earned since the acquisition of their shares by the holding company less its proportion of the losses, if any, suffered by any such subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding company,
- (v) any qualifications contained in the report of the auditor of any such subsidiary on its financial statement for the financial period ending as aforesaid, and any note or reference contained in that financial statement to call attention to a matter which, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the company's own financial statement and is material from the point of view of its shareholders;
- (b) if for any reason the directors of the holding company are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding company, the directors who sign the financial statement shall so report in writing and their report shall be included in the financial statement in lieu of the statement;
- (c) true copies of the latest financial statement of such subsidiary or subsidiaries shall be kept on hand by the holding company at its head office and shall be open to inspection by the shareholders of the holding company on request during the normal business

hours of the holding company but the directors of the holding company may by resolution refuse the right of such inspection if such inspection is not in the public interest or would prejudice the holding company or such subsidiary or subsidiaries, which resolution may, on the application of any such shareholder to the court, be set aside by the court;

(d) if, in the opinion of the auditor of the holding company, adequate provision has not been made in the financial statement of the holding company for the holding company's proportion,

(i) where there is only one such subsidiary, of the loss of such subsidiary suffered since acquisition of its shares by the holding company, or

(ii) where there is more than one such subsidiary, of the aggregate losses suffered by such subsidiaries since acquisition of their shares by the holding company in excess of its proportion of the undistributed profits, if any, earned by any of such subsidiaries since such acquisition,

the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor. *New.*

90.—(1) For the purposes of this Act, a company shall be deemed to be a subsidiary of another company if, but only if, Definitions:
Subsidiary
company

(a) it is controlled by,

(i) that other, or

(ii) that other and one or more companies each of which is controlled by that other, or

(iii) two or more companies each of which is controlled by that other; or

(b) it is a subsidiary of a company which is that other's subsidiary.

(2) For the purposes of this Act, a company shall be deemed to be another's holding company if, but only if, that Holding
company other is its subsidiary.

(3) For the purposes of this Act, one company shall be deemed to be affiliated to another company if, but only if, Affiliated
company one of them is the subsidiary of the other or both are subsidiaries of the same company or each of them is controlled by the same person.

Control

(4) For the purposes of this section, a company shall be deemed to be controlled by another company or person or by two or more companies if, but only if,

- (a) shares of the first-mentioned company carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such other company or person or by or for the benefit of such other companies; and
- (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned company. *New.*

Reserves

91. In a financial statement, the term "reserve" shall be used to describe only,

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from earned surplus pursuant to the instrument of incorporation or by-laws of the company for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from earned surplus in accordance with the terms of a contract and which can be restored to the earned surplus when the conditions of the contract are fulfilled. *New.*

Approval of financial statement

92. The financial statement shall be approved by the board of directors, such approval to be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to the financial statement or there shall be inserted at the foot of the balance sheet a reference to the report.

Mailing of financial statement to shareholders

93.—(1) A public company, other than a company to which Part V applies, shall, ten days or more before the date of the annual meeting, send by prepaid post to each shareholder at his last address as shown on the books of the company a copy of the financial statement and a copy of the auditor's report.

(2) Any shareholder of a private company is entitled to be furnished by the company on demand with a copy of the documents mentioned in subsection 1. *New.* Financial statement, private companies

(3) Every company that fails to comply with subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 and every director or officer of the company who authorizes, permits or acquiesces in any such failure is guilty of an offence and on summary conviction is liable to a like penalty. R.S.O. 1950, c. 59, s. 46 (1), *amended.* Offence and penalty

94.—(1) Except in the cases mentioned in this section, a company shall not be a shareholder of a company which is its holding company, and any allotment or transfer of shares of a company to its subsidiary company is void. Subsidiaries not to hold shares of holding companies

(2) This section does not apply to a subsidiary holding shares as executor, administrator, committee of a mentally incompetent person, guardian or trustee unless the holding company or a subsidiary thereof is beneficially interested under the trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business which includes the lending of money. Application

(3) This section does not prevent a subsidiary which was on the 30th day of April, 1954, a shareholder of its holding company from continuing to be a shareholder, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding company or at meetings of any class of shareholders thereof. Present subsidiaries

(4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a company which is a subsidiary, as if the references in subsections 1 and 3 to such a company included references to a nominee for it. *New.* Nominees

95.—(1) In this section, “arrangement” includes a reorganization of the authorized capital of a company and includes, without limiting the generality of the foregoing, the consolidation of shares of different classes, the reclassification of shares of a class into shares of another class and the variation of the terms, preferences, rights, conditions, restrictions, liabilities or prohibitions attaching to shares of any class and includes a reconstruction under which a company transfers or sells or proposes to transfer or to sell to another company the whole or a substantial part of its undertaking for a consideration consisting in whole or in part of shares or securities of the other company and in which it proposes to distribute a part of such consideration among its shareholders of any class or to cease carrying on its undertaking or the part of its undertaking so transferred or sold or so proposed to be transferred or sold. Interpretation

Arrangements

(2) Where an arrangement is proposed between a company and its shareholders or a class or classes of them varying the rights of such shareholders or class or classes under the company's letters patent or supplementary letters patent or by-laws, the court may, on application of the company or of a shareholder, order a meeting of the shareholders of the company or of the class or classes concerned, as the case may be, to be held on twenty-one days notice, or such shorter time as the court directs, served in such manner as the court directs.

Contents of notice calling meeting

(3) Where a meeting of the shareholders or of any class or classes of shareholders is called under subsection 2, the notice calling the meeting shall contain a statement explaining the effect of the arrangement and in particular stating any interest of the directors of the company, whether as directors or as shareholders of the company or otherwise, and the effect thereon of the arrangement, in so far as it is different from the effect on the like interest of other persons.

Sanction by court

(4) If the shareholders of the company or of the class or classes concerned, as the case may be, present in person or by proxy at the meeting, by at least three-fourths of the shares of each class represented, agree to the arrangement either as proposed or as varied at the meeting, the arrangement may be sanctioned by the court, and if so sanctioned, the arrangement and any decrease or increase in the authorized capital and any provisions for the allotment or disposition thereof by sale or otherwise as therein set forth may be confirmed by supplementary letters patent and then is binding on the company and on the shareholders of the company or on the class or classes of shareholders concerned.

Notice to dissenters

(5) If dissenting votes are cast at the meeting and, notwithstanding such dissenting votes, the arrangement is agreed to by the shareholders or the class or classes represented in accordance with subsection 4 and unless the court in its discretion otherwise orders, the company shall notify each dissenting shareholder in such manner as the court directs of the time and place when application will be made to it for the sanction of the arrangement. R.S.O. 1950, c. 59, s. 64, *amended*.

Amalgamation

96.—(1) Any two or more companies, including a holding and subsidiary company, having the same or similar objects may amalgamate and continue as one company. R.S.O. 1950, c. 59, s. 11 (1), *part, amended*.

Agreement

(2) The companies proposing to amalgamate may enter into an agreement for the amalgamation prescribing the terms and conditions of the amalgamation, the mode of carrying the amalgamation into effect and stating the name of the

amalgamated

amalgamated company, the names, callings and places of residence of the first directors thereof and how and when the subsequent directors are to be elected with such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company, the authorized capital of the amalgamated company and the manner of converting the authorized capital of each of the companies into that of the amalgamated company.

(3) The agreement shall be submitted to the shareholders of each of the amalgamating companies at general meetings thereof called for the purpose of considering the agreement and if two-thirds of the votes cast at each such meeting are in favour of the adoption of the agreement that fact shall be certified upon the agreement by the secretary of each of the amalgamating companies under the corporate seal thereof. R.S.O. 1950, c. 59, s. 11 (2-4). Adoption by shareholders

(4) If the agreement is adopted in accordance with subsection 3, the amalgamating companies may apply jointly to the Lieutenant-Governor for letters patent confirming the agreement and amalgamating the companies so applying and on and from the date of the letters patent such companies are amalgamated and are continued as one company by the name in the letters patent provided, and the amalgamated company possesses all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the amalgamating companies. R.S.O. 1950, c. 59, s. 11 (5), *amended*. Joint application for letters patent

97.—(1) Where a company has ceased to carry on business except for the purpose of winding up its affairs and has no debts or obligations that have not been provided for or protected, the directors may pass by-laws for distributing in money, kind, specie or otherwise the property of the company or any part of it rateably among the shareholders according to their rights and interests in the company. Distribution of assets where winding up protracted

(2) The by-law shall not be effective until it is confirmed by two-thirds of the votes cast at a meeting of the shareholders duly called for considering the by-law nor until it is confirmed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 59, s. 15 (1, 2), *amended*. Confirmation

98.—(1) If a private company contravenes any of the provisions of its special Act, letters patent or supplementary letters patent respecting the restriction on the right to transfer its shares, the limitation on the number of its shareholders or the prohibition on invitations to the public to subscribe Private companies contravening privileges, etc.

1953,
c. 19

for its shares or securities, it ceases to be entitled to the privileges and exemptions conferred on private companies under this Act and under *The Corporations Information Act, 1953*, and thereupon this Act and that Act apply to the company as if it were not a private company.

Relief

(2) The court, on being satisfied that any such contravention was accidental or due to inadvertence or to some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any other person interested, and on such terms and conditions as the court deems proper, order that the company be relieved from the consequences mentioned in subsection 1.

Offence and
penalty

(3) In addition to the consequences mentioned in subsection 1, every private company that contravenes any of the provisions of its special Act, letters patent or supplementary letters patent respecting the restriction on the right to transfer its shares, the limitation on the number of its shareholders or the prohibition on invitations to the public to subscribe for its shares or securities, and every director or officer of the company who authorizes, permits or acquiesces in any such contravention, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. *New.*

Private
company,
rights of
dissenting
share
holders

99.—(1) If, in the case of a private company, at a meeting of shareholders,

- (a) a resolution passed by the directors authorizing the sale or disposition of the undertaking of the company or any part thereof as an entirety or substantially as an entirety is confirmed with or without variation by the shareholders; or
- (b) a resolution passed by the directors authorizing an application for the issue of supplementary letters patent providing for the conversion of the company into a public company is confirmed with or without variation by the shareholders; or
- (c) an agreement for the amalgamation of the company with one or more other companies, whether public or private, is confirmed by the shareholders,

any shareholder who has voted against the confirmation of such resolution or agreement, as the case may be, may within two days after the date of the meeting give notice in writing to the company requiring it to purchase his shares.

Company
bound to
purchase
shares

(2) Within ninety days from the date of the completion of the sale or disposition or the issue of the supplementary

letters

letters patent or the letters patent, as the case may be, the company shall purchase the shares of every shareholder who has given notice under subsection 1.

(3) The company shall not purchase any shares under subsection 2 if it is insolvent or if such purchase will render the company insolvent. ^{Saving}

(4) The price and terms of the purchase of such shares shall be as may be agreed upon by the company and the dissenting shareholder, but, if they fail to agree, such price and terms shall be as determined by the court on the application of the dissenting shareholder. ^{Price of shares}

(5) Any shares purchased under subsection 2 shall not be cancelled by reason only of such purchase, and may be sold by the company at such price and on such terms as the directors determine. ^{Sale of shares}

(6) If the sale or disposition is not completed or the supplementary letters patent or letters patent are not issued, the rights of the dissenting shareholder under this section cease and the company shall not purchase the shares of such shareholder under this section. ^{Where sale not completed} *New.*

PART III

CORPORATIONS WITHOUT SHARE CAPITAL

100. This Part, except where it is otherwise expressly provided, applies, ^{Application}

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Upper Canada;
- (b) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Canada which has its head office and carries on business in Ontario and was incorporated with objects or purposes to which the authority of the Legislature extends; and
- (c) to every corporation incorporated by or under a general or special Act of the Legislature;

but this Part does not apply to any corporation incorporated for the construction and working of a railway, an incline railway or a street railway. *New.*

Nature of
corpora-
tions

101. A corporation may be incorporated to which Part V or Part VI applies or which has objects that are of a patriotic, religious, philanthropic, charitable, educational, agricultural, scientific, artistic, social, professional, fraternal, sporting or athletic nature or that are of any other useful nature. *New.*

Application
for incor-
poration

102.—(1) The applicants for the incorporation of a corporation shall file with the Lieutenant-Governor an application showing:

1. The names in full, the place of residence and the calling of each of the applicants.
2. The name of the corporation to be incorporated.
3. The objects for which the corporation is to be incorporated.
4. The place within Ontario where the head office of the corporation is to be situate.
5. The names of the applicants who are to be the first directors of the corporation.
6. Any other matters that the applicants desire to have embodied in the letters patent. R.S.O. 1950, c. 59, s. 6, *amended.*

Letters
patent may
embody sub-
ject matter
of by-laws

(2) The applicants may ask to have embodied in the letters patent any provision that may be made the subject of a by-law of the corporation. R.S.O. 1950, c. 59, s. 7, *amended.*

Classes of
membership

103. The letters patent, supplementary letters patent or by-laws of a corporation may provide for more than one class of membership and in that case shall set forth the designation of and the terms and conditions attaching to each class. *New.*

Applicants
become
members

104. Upon incorporation of a corporation each applicant becomes a member thereof. *New.*

Members
not liable

105. A member shall not, as such, be held answerable or responsible for any act, default, obligation or liability of the corporation or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the corporation. *New.*

Number of
members

106. Unless the letters patent, supplementary letters patent or by-laws of a corporation otherwise provide, there is no limit on the number of members of the corporation. *New.*

107.—(1) Subject to subsection 2, persons may be admitted to membership in a corporation by resolution of the board of directors, but the letters patent, supplementary letters patent or by-laws may provide that such resolution shall not be effective until confirmed by the members in general meeting. Admission to membership

(2) The letters patent, supplementary letters patent or by-laws of a corporation may provide for the admission of members *ex officio*. *New.* Idem

108. Each member of each class of members of a corporation has one vote unless the letters patent, supplementary letters patent or by-laws of the corporation provide that each such member has more than one vote or has no vote. *New.* Voting powers of members

109.—(1) Every corporation, except corporations to which Part V or VI applies, shall be carried on without the purpose of gain for its members and any profits or other accretions to the corporation shall be used in promoting its objects and the letters patent shall so provide, and where a company is converted into a corporation, the supplementary letters patent shall so provide. Not to be carried on for gain

(2) Nothing in subsection 1 prohibits a director from receiving reasonable remuneration and expenses for his services to the corporation as a director or prohibits a director or member from receiving reasonable remuneration and expenses for his services to the corporation in any other capacity, unless the letters patent, supplementary letters patent or by-laws otherwise provide. *New.* Exception

110. Subject to section 297, the letters patent, supplementary letters patent or by-laws of a corporation may provide for persons becoming directors *ex officio* in lieu of election. *New.* Directors ex officio

111.—(1) Unless the letters patent or supplementary letters patent otherwise provide, the interest of a member in a corporation is not transferable and lapses and ceases to exist upon his death or when he ceases to be a member by resignation or otherwise in accordance with the by-laws of the corporation. Memberships not transferable, termination

(2) Where the letters patent or supplementary letters patent provide that the interest of a member in the corporation is transferable, the by-laws shall not restrict the transfer of such interest. Where transferable

(3) This section does not apply to corporations to which Part V applies. *New.* Co-ops

By-laws

112.—(1) The directors of a corporation may pass by-laws not contrary to this Act or to the letters patent or supplementary letters patent to regulate,

- (a) the admission of persons and unincorporated associations as members and as *ex officio* members and the qualification of and the conditions of membership;
- (b) the fees and dues of members;
- (c) the issue of membership cards and certificates;
- (d) the suspension and termination of memberships by the corporation and by the member;
- (e) the transfer of memberships;
- (f) the qualification of and the remuneration of the directors and the *ex officio* directors, if any;
- (g) the time for and the manner of election of directors;
- (h) the appointment, remuneration, functions, duties and removal of agents, officers and employees of the corporation and the security, if any, to be given by them to the corporation;
- (i) the time and place and the notice to be given for the holding of meetings of the members and of the board of directors, the quorum at meetings of members, the requirement as to proxies, and the procedure in all things at members' meetings and at meetings of the board of directors;
- (j) the conduct in all other particulars of the affairs of the corporation.

Confirmation

(2) Every by-law passed under subsection 1 and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat, and in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

Rejection

(3) The members may at the general meeting or the annual meeting mentioned in subsection 2 confirm, reject, amend or otherwise deal with any by-law passed by the directors and submitted to the meeting for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.
New.

113.—(1) A corporation may apply to the Lieutenant-Governor for the issue of supplementary letters patent, Supplementary letters patent

(a) extending, limiting or otherwise varying its objects;

(b) changing its name;

(c) varying any provision in its letters patent or supplementary letters patent;

(d) providing for any other matter or thing in respect of which provision may be made in letters patent under this Act;

(e) converting it into a company;

(f) converting it into a corporation, with or without share capital, subject to Part V;

(g) making it not subject to Part V. R.S.O. 1950, c. 59, ss. 9, 16 (1), *amended*.

(2) An application under clauses *a* to *d* of subsection 1 shall be authorized by a special resolution. Authorization, under cls. a to d

(3) An application under clauses *e* to *g* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing by at least 95 per cent of the members, but if a member dissents in writing to the corporation, the application shall not be made. R.S.O. 1950, c. 59, s. 16 (2), *amended*. under cls. e to g

(4) If the application is under clause *e*, *f* or *g* of subsection 1 and the corporation is to become a company, the application shall set forth the authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, the par value of each share, or, where the shares are to be without par value, the consideration exceeding which each share or the aggregate consideration exceeding which all the shares of each class may not be issued, and where there are to be preference shares, the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them, and the terms and conditions on which the members will become shareholders. Contents of application for conversion into company

(5) An application under subsection 1 may be made only within six months after the resolution has been confirmed by the members. Time for application

(6) This section does not apply to a corporation incorporated by special Act, except that a corporation incorporated by special Act may apply under this section for the issue of supplementary letters patent changing its name. *New*. Special Act corporations excepted

Disposition
of property
on dissolu-
tion

114.—(1) A corporation may pass by-laws providing that upon the dissolution of the corporation and after the payment of all debts and liabilities, the remaining property of the corporation or part thereof shall be distributed or disposed of to charitable organizations or to organizations the objects of which are beneficial to the community.

Confirma-
tion

(2) Such by-law shall not be effective until it is confirmed by two-thirds of the votes cast at a general meeting of the members duly called for that purpose.

Filing and
publication
of notice

(3) Notice of any by-law passed under this section shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within ten days after the by-law has been confirmed.

Offence and
penalty

(4) Every corporation that fails to comply with subsection 3 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 and every director or officer of the corporation who authorizes, permits or acquiesces in such failure is guilty of an offence and on summary conviction is liable to a like penalty.

Where no
by-law

(5) In the absence of such by-law and upon the dissolution of the corporation the whole of the remaining property shall be distributed equally among the members, or if the letters patent, supplementary letters patent or by-laws so provide, among the members of a class or classes of members. *New.*

Application
of Part II
provisions
to Part III
corporations

115.—(1) Clauses *a* to *p*, *s*, *u* and *v* of subsection 1 and subsection 2 of section 22, sections 58 to 60, 66, 68, 70, 72 to 75, 79 and 80, subsection 1 of section 81, section 82, subsections 1 and 3 of section 83 and section 96 apply *mutatis mutandis* to corporations to which this Part applies, and in so applying them the word “company” means “corporation” and the word “shareholder” means “member”.

Co-ops

(2) Subsection 1 of section 22, sections 69, 83 to 86, 91 and 92 apply *mutatis mutandis* to corporations to which Part V applies, and in so applying them the word “company” means “corporation” and the word “shareholder” means “member”.

Insurers

(3) Sections 83 to 86, 91 and 92 and subsections 1 and 3 of section 93 apply *mutatis mutandis* to corporations to which Part VI applies and in so applying them the word “company” means “corporation” and the word “shareholder” means “member”. *New.*

PART IV

MINING COMPANIES

116. In this Part, "company" means a company to which ^{Interpre-}
this Part applies. *New.* ^{tation}

117. This Part applies to every mining company incor- ^{Application}
porated before the 1st day of July, 1907, and to every mining
company before the 30th day of April, 1954, made by its letters
patent or supplementary letters patent subject to a predecessor
of this Part, and to every mining company on or after the
30th day of April, 1954, made by its letters patent or supple-
mentary letters patent subject to this Part. *New.*

118.—(1) The shares of a company shall be with par value. ^{Par value}
^{shares only}

(2) Subsection 1 does not apply to shares authorized before ^{Exception}
the 30th day of April, 1954. *New.*

119.—(1) Unless the letters patent, supplementary letters ^{Issue of}
patent or by-laws otherwise provide, a company may issue ^{shares at}
its shares at a discount. ^{discount} R.S.O. 1950, c. 59, s. 131, *amended.*

(2) Notwithstanding subsection 1, preference shares shall ^{At par}
not be issued at a discount.

(3) Where shares are to be issued at a discount, the rate ^{Rate of}
of discount shall be specified in the resolution of the directors ^{discount}
allotting such shares. *New.*

120. No shareholder of a company holding shares that ^{Share-}
were validly issued at a discount before the 30th day of April, ^{holders'}
1954, or that are validly issued at a discount on or after the ^{liability}
30th day of April, 1954, is personally liable for non-payment
of any calls made upon his shares beyond the amount agreed
to be paid therefor. R.S.O. 1950, c. 59, s. 132, *amended.*

121. Every company shall have written or printed imme- ^{Company}
diately after or under its name wherever its name is used by the ^{documents}
company or by a director, officer or employee thereof, and
on its seal, the words "NO PERSONAL LIABILITY",
and shall have upon every share certificate issued by the
company distinctly written or printed in red ink, where such
certificates are issued with respect to shares subject to call,
the words "SUBJECT TO CALL", or, where issued with
respect to shares not subject to call, the words "NOT SUB-
JECT TO CALL", as the case may be. R.S.O. 1950, c. 59,
s. 135, *amended.*

PART V

CO-OPERATIVE CORPORATIONS

Interpre-
tation

122. In this Part, except in subsections 3 and 5 of section 124, "corporation" or "company" means a corporation or company, as the case may be, to which this Part applies. R.S.O. 1950, c. 59, s. 140.

Application

123.—(1) This Part applies to every corporation before the 30th day of April, 1954, made by its special Act, letters patent or supplementary letters patent subject to a predecessor of this Part, and to every corporation on or after the 30th day of April, 1954, made by its letters patent or supplementary letters patent subject to this Part.

Act to
apply

(2) Except where inconsistent with the provisions of this Part, the other provisions of this Act apply to a corporation to which this Part applies. R.S.O. 1950, c. 59, s. 139, *amended*.

Corporate
name

124.—(1) The corporate name of every corporation shall include the word "co-operative" as part thereof.

Abbreviation

(2) Where a corporation, or any director, officer, employee, shareholder or member uses the name of the corporation, the word "co-operative" may be abbreviated to "co-op". R.S.O. 1950, c. 59, s. 141 (1, 2).

Prohibition

(3) No person not being a corporation to which this Part applies shall use in Ontario a name that includes the word "co-operative" or any abbreviation or derivation thereof. R.S.O. 1950, c. 59, s. 141 (3), *amended*.

Offence
and
penalty

(4) Every person who contravenes subsection 3 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 141 (4), *amended*.

Exceptions

(5) Subsection 3 does not apply to any corporation incorporated by or under the authority of the Parliament of Canada, to any corporation licensed under Part IX or to any corporation incorporated under the laws of Ontario before the 12th day of April, 1917. R.S.O. 1950, c. 59, s. 141 (5), *amended*.

Share
capital

125.—(1) The authorized capital of a company incorporated on or after the 1st day of June, 1949, shall consist of one or more classes of shares to be designated as co-operative or co-op preference shares or as co-operative or co-op common

shares,

shares, as the case may be, and each class shall have a par value of \$5 or any multiple of \$5 not exceeding \$100. R.S.O. 1950, c. 59, s. 142 (1), *amended*.

(2) Every share certificate issued on or after the 30th day of April, 1954, shall, ^{Share certificates}

- (a) bear upon its face the name of the company, the words "incorporated as a co-operative company and subject to Part V of *The Corporations Act, 1953* (Ontario)", and a statement of the authorized capital, but where some but not all of the shares of a class are purchased for redemption or some but not all of the preference shares of a class are converted, redeemed or purchased for cancellation, it shall not be necessary to change such statement of the authorized capital;
- (b) state the information required by clauses *b* and *c* of subsection 1 of section 45;
- (c) state that the shares represented by the certificate are not transferable without the authorization of the directors;
- (d) set forth the provisions of section 134;
- (e) state that the dividend, if any, to which the holder of a share may become entitled shall not exceed 8 per cent per annum of the amount paid up thereon; and
- (f) state that the company may by by-law limit the amount to be distributed for each share on the dissolution of the company to the amount paid up on such share together with declared and unpaid dividends. R.S.O. 1950, c. 59, s. 142 (2), *amended*.

126.—(1) The capital of corporations without share capital may be in the form of loans from members, called member loans ^{Member loans}, and such loans may be in such amounts, payable on demand or at such times and without interest or with interest at a rate not exceeding 6 per cent per annum, as the by-laws provide.

(2) A corporation may borrow money from its shareholders or members in such amounts payable on demand or at such times and either without interest or with interest at a rate not exceeding 6 per cent per annum, as the by-laws provide. ^{Borrowing from members or shareholders}
R.S.O. 1950, c. 59, s. 143.

Termination
of member-
ship

127. Where a member of a corporation without share capital dies or does not transact any business with the corporation for a period of two years, the directors may terminate the membership, and upon such termination the corporation shall pay any money owing to the member. R.S.O. 1950, c. 59, s. 144.

Transfer of
shares

128.—(1) No share of a company shall be transferred unless authorized by the board of directors.

Member-
ships

(2) No membership in a corporation without share capital shall be transferred unless authorized by the board of directors. R.S.O. 1950, c. 59, s. 145.

Voting

129.—(1) No individual member or shareholder of a corporation shall vote by proxy.

Idem

(2) No individual member or shareholder of a corporation has more than one vote.

Voting by
corporate
members or
shareholders

(3) A corporate member or shareholder may appoint under its corporate seal one of its directors or officers to attend and vote on its behalf at meetings of members or shareholders and such director or officer has only one vote. R.S.O. 1950, c. 59, s. 146.

Qualifi-
cation of
directors

130. No person shall hold office as a director of a corporation unless he is a member or shareholder thereof or a director or officer of a corporate member or shareholder thereof and where a director or a corporation of which he is an officer or director ceases to be a member or shareholder, he shall thereupon cease to be a director. R.S.O. 1950, c. 59, s. 147, *amended*.

Reserve fund
and divi-
dends

131. A corporation may by by-law provide that, before any distribution of surplus arising from the business of the corporation in each fiscal year is made, the corporation may,

(a) set aside reserve funds;

(b) provide for the payment of dividends on the share capital at a rate not to exceed 8 per cent per annum of the amount paid up thereon. R.S.O. 1950, c. 59, s. 148.

Distribution
of net sur-
plus

132.—(1) Subject to section 131, the surplus arising from the business of the corporation in each fiscal year shall be allocated, credited or paid to the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, computed at a rate in relation to the quantity, quality or value of the goods or

products

products acquired, marketed, handled, dealt in or sold, or services rendered by the member or shareholder or by the corporation from or on behalf of or to the member or shareholder, or to the corporation, whether as principal or as agent of the member or shareholder or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof. R.S.O. 1950, c. 59, s. 149 (1); 1952, c. 10, s. 2.

(2) The corporation may by by-law provide that part of the ^{Idem} surplus may be allocated, credited or paid to non-members or non-shareholders at the same or at lesser rates than to members or shareholders.

(3) The amount that is allocated, credited or paid to mem- ^{Patronage}bers, shareholders, non-members or non-shareholders in each ^{return} fiscal year shall be known as the patronage return.

(4) The corporation may by by-law provide that where the ^{Limitation} value of the goods or products acquired, marketed, handled, ^{of patronage}dealt in or sold, or services rendered by the corporation from ^{return} or on behalf of or to any member, shareholder, non-member or non-shareholder in any year does not exceed \$50, or such lesser amount as may be specified in the by-law, no patronage return shall be allocated, credited or paid to such member, shareholder, non-member or non-shareholder. R.S.O. 1950, c. 59, s. 149 (2-4).

133.—(1) A company may by by-law provide that in ^{Investment}each fiscal year the whole, or such part as the directors may ^{of patron-}determine, of the patronage return of each shareholder shall ^{age return}be applied to the purchase for the shareholder of a stated number of unissued shares of the company or a stated number of issued shares of the company, if obtainable.

(2) Where a company has enacted a by-law under sub- ^{Notice}section 1 and the whole or part of the patronage return of a shareholder is required to be invested in issued shares, the company shall mail a written notice to such shareholder stating the number of shares to be purchased by him.

(3) Unless within thirty days from the date of mailing ^{Purchase of}of the notice referred to in subsection 2, the shareholder ^{shares on}required to purchase issued shares has presented for transfer ^{behalf of}to himself the number of shares that he is required to purchase, ^{shareholder}the company may on behalf of such shareholder, ^{required to}
^{purchase}

- (a) purchase the required number of shares from shareholders who are willing to sell shares;
- (b) pay out of the patronage return of such shareholder the purchase price;

(c)

(c) transfer such shares to the shareholder; and

(d) issue and forward to such shareholder a certificate representing such shares.

Compulsory
borrowing

(4) A corporation may enact by-laws requiring its shareholders or members to lend to it the whole, or such part as the directors may determine, of the patronage returns to which they may become entitled in each fiscal year, upon such terms and at such rate of interest not exceeding 6 per cent per annum as the by-laws provide.

Idem

(5) No shareholder shall be required under this section to purchase issued or unissued shares at a price in excess of the par value thereof or issued shares when no such shares are available for purchase.

Idem

(6) When the corporation is insolvent, no member or shareholder shall be required under this section to lend his patronage return, and no shareholder shall be required to purchase shares of the corporation.

Idem

(7) This section does not prevent a member or shareholder from receiving so much of his patronage return as has not been appropriated to loans to the corporation or to the purchase of shares of the corporation in accordance with such by-laws. R.S.O. 1950, c. 59, s. 150.

Purchase of
shares by
company

134.—(1) Subject to subsections 2 and 3, a company,

(a) with the consent of a shareholder, may purchase for redemption all or part of the shares held by such shareholder upon payment of such an amount, not exceeding the par value of the shares, as may be agreed upon; and

(b) when a corporate shareholder is about to be dissolved or a shareholder has failed for a period of two years to transact any business with the company, may purchase for redemption the shares of such shareholder or require the transfer of such shares to another person at the book value or par value, whichever is less.

Prohibition
re purchase
for re-
demption

(2) No company,

(a) shall use for the purchase of shares for redemption in any fiscal year an amount in excess of 50 per cent of the accumulated reserve funds;

(b)

- (b) shall purchase for redemption in any fiscal year more than 10 per cent of the shares outstanding at the beginning of the year;
- (c) shall purchase shares for redemption when the company is insolvent or so as to render the company insolvent or so as to reduce the number of shareholders to less than ten. R.S.O. 1950, c. 59, s. 151 (1, 2).

(3) Where a share is purchased for redemption by a company, it shall be thereby cancelled and the authorized and issued capital shall be thereby decreased. R.S.O. 1950, c. 59, s. 151 (3), *amended*. Re-issue prohibited

(4) Where shares are subject to purchase for redemption and the company gives to the shareholder written notice of purchase in which the shareholder is requested to surrender the share certificates, if any, for cancellation and the shareholder fails to comply within the time specified, not being less than thirty days after the giving of such notice, the company may pay the purchase price into a chartered bank to the credit of the shareholder and cancel the shares. R.S.O. 1950, c. 59, s. 151 (4). Where certificates of redeemed shares not surrendered

135.—(1) On any distribution of the property of a corporation without share capital, member loans and patronage returns that are lent to the corporation rank after the ordinary debts. Distribution of property

(2) A corporation may enact by-laws providing that upon the dissolution of the corporation and after the payment of all debts and liabilities, including any declared and unpaid dividends, and the amount paid up on outstanding shares, if any, the remaining property of the corporation or part thereof may be distributed or disposed of, Distribution of property upon dissolution

- (a) equally among the members or shareholders irrespective of the number of shares held by a shareholder;
- (b) among the members or shareholders at the time of dissolution on the basis of patronage returns accrued to such members or shareholders during the five fiscal years immediately preceding the dissolution or after the date of incorporation; or
- (c) to charitable organizations or to organizations the objects of which are beneficial to the community. R.S.O. 1950, c. 59, s. 152.

By-laws

136.—(1) A corporation may enact by-laws providing for,

- (a) the division of its members or shareholders into groups, either territorially or on the basis of common interest;
- (b) the election of directors for each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both;
- (c) the election of delegates and alternative delegates to represent each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both;
- (d) where all of the members or shareholders are corporations, the election of delegates and alternative delegates to represent such corporations on the basis of the number of members or shareholders in each corporation or the volume of business done with each corporation, or both;
- (e) the number and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of a meeting of the members or shareholders;
- (h) the holding of meetings of members, shareholders or delegates territorially or on the basis of common interest;
- (i) the payment of expenses of delegates attending meetings.

Voting

(2) A delegate shall have only one vote and shall not vote by proxy.

Qualifica-
tion of
delegates

(3) No person shall be elected a delegate who is not a member or shareholder of the corporation or a director, officer, member or shareholder of a corporate member or shareholder of the corporation.

Saving

(4) No such by-law shall prohibit members or shareholders from attending meetings of delegates. R.S.O. 1950, c. 59, s. 153.

137.—(1) The by-laws of a corporation passed under this Part shall not be effective until confirmed by a vote of two-thirds of the members or shareholders present or represented at a meeting duly called for considering the by-law. By-laws to be confirmed

(2) Every by-law of the corporation binds the corporation and its members or shareholders to the same extent as if it had been signed and sealed by each member or shareholder and contained covenants on behalf of each member or shareholder, his heirs, executors, administrators or assigns to conform thereto. R.S.O. 1950, c. 59, s. 154, *amended*. By-laws a contract

138.—(1) Every corporation shall,

Duties:

- (a) file in the office of the Provincial Secretary, within thirty days after confirmation by the members or shareholders, copies of all its by-laws certified under its corporate seal; file by-laws
- (b) deliver a copy of the by-laws to a member or shareholder when requested in writing so to do; deliver copies of by-laws
- (c) transmit within ten days after each annual meeting to the Provincial Secretary a copy of the financial statement and a copy of the auditor's report; and transmit statements to Provincial Secretary
- (d) send to every member or shareholder with the notice of the annual meeting a copy of the financial statement and a copy of the auditor's report. R.S.O. 1950, c. 59, s. 155 (1), *amended*. deliver statements to members

(2) Clause *c* of subsection 1 does not apply to a corporation registered under *The Prepaid Hospital and Medical Services Act. New*. Exception Rev. Stat., c. 285

(3) Every corporation that fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200, and every director or officer of the corporation who authorizes, permits or acquiesces in such failure is guilty of an offence and on summary conviction is liable to a like penalty. R.S.O. 1950, c. 59, s. 155 (2), *amended*. Offence and penalty

139. A corporation has power to carry on, encourage and assist educational and advisory work relating to co-operatives and the co-operative ideal. R.S.O. 1950, c. 59, s. 156. Educational and advisory work

140. The Lieutenant-Governor in Council may declare that a corporation is no longer subject to this Part and change such corporation's name, if it appears to the Lieutenant-Governor in Council that 50 per cent or more in value of the Provision for relief

business of the corporation during its last fiscal year was transacted with persons or corporations that were neither members nor shareholders of the corporation. R.S.O. 1950, c. 59, s. 157, *part*.

PART VI

INSURANCE CORPORATIONS

Interpre-
tation

Rev. Stat.,
c. 183

141. In this Part, unless the context otherwise requires, the words and expressions defined in section 1 of *The Insurance Act*, as used herein, have the same meaning as in that Act. R.S.O. 1950, c. 59, s. 216.

Application
of Part

142.—(1) This Part applies to all applications for incorporation of insurers intending to undertake contracts of insurance within Ontario, and to such insurers when incorporated, and to all insurers incorporated before the 30th day of April, 1954, under the law of Ontario.

Application
of Act

(2) Except where inconsistent with this Part and except as provided in subsection 3, the other provisions of this Act apply to all such insurers.

Exception

(3) Sections 83 to 91 do not apply to insurers undertaking and transacting life insurance.

Approval of
Superin-
tendent

(4) No letters patent granting a charter under this Part shall be issued without the written approval of the Superintendent. R.S.O. 1950, c. 59, s. 217, *amended*.

Incorporation of
joint stock
insurance
companies

143.—(1) A joint stock insurance company may be incorporated for the purpose of undertaking and transacting any class of insurance for which a joint stock insurance company may be licensed under *The Insurance Act*. R.S.O. 1950, c. 59, s. 218.

Notice

(2) Applicants for incorporation shall, immediately before the application is made, publish in at least four consecutive issues of *The Ontario Gazette* notice of their intention to apply, and shall also, if so required by the Provincial Secretary, publish elsewhere notice of such intention.

Notice to
Superin-
tendent

(3) Applicants for incorporation shall also give at least one month's notice to the Superintendent of their intention to apply for incorporation. R.S.O. 1950, c. 59, s. 219.

Inter-
pretation

144.—(1) In this section, "money received on account of shares" includes money received as premium on shares.

(2) If the company undertakes life insurance, the authorized capital shall be \$500,000 or more. Capital stock of life companies

(3) If the company undertakes any one or more classes of insurance other than life, the authorized capital shall be \$300,000 or more. Other cases

(4) The authorized capital shall be divided into shares of \$100 each, but where not less than \$200,000 of the authorized capital is subscribed for and paid up in cash and a surplus of not less than 50 per cent of such subscribed capital has been established, the authorized capital may be divided into shares of any multiple of \$5 not less than \$10. Par value of shares

(5) All money received on account of shares shall be paid into a branch or agency in Ontario of a chartered bank of Canada or into a registered trust company in trust for the proposed company, and no money paid on account of shares before the first general meeting of the company has been organized shall be withdrawn or paid over to the company until after such meeting has been organized and an election of directors had thereat. Application of money received on account of shares

(6) Every subscription for shares made before the granting of a licence pursuant to *The Insurance Act* shall contain the stipulation that all money received on account of shares shall be returned to the subscribers without any deduction for promotion, organization or other expenses, in case the insurer fails to procure such a licence. Return of subscriptions on failure to secure licence
Rev. Stat., c. 183

(7) Every subscription for shares shall contain the stipulation that no sum is to be used or paid before or after incorporation, for commission, promotion or organization expenses, in excess of a percentage, not exceeding 15, of the amount of money received on account of shares. R.S.O. 1950, c. 59, s. 220. Limit of percentage of subscriptions for charges

145.—(1) In subsection 2, “surplus to policyholders” means surplus of assets over liabilities excluding issued capital shown in the annual financial statement of the company at the end of the next preceding calendar year as filed with and approved by the Superintendent. Interpretation

(2) Where a company undertaking life insurance has insurance in force of less than \$25,000,000 and has a surplus to policyholders of more than \$500,000, the directors may pass a by-law authorizing an application to the Lieutenant-Governor for the issue of supplementary letters patent decreasing its authorized, subscribed and paid-in capital by not more than 50 per cent. Reduction of capital of life insurance companies

New par
value to be
declared

(3) The by-law and the supplementary letters patent shall declare the new par value of the shares and the liability of the shareholders on partially paid-in shares.

Application,
when to be
made

(4) The application shall not be made until the by-law has been confirmed by a vote of the shareholders present or represented by proxy at a general meeting duly called for considering the by-law and holding not less than two-thirds of the votes cast at such meeting.

Surplus not
to be de-
creased by
dividends
to share-
holders

(5) The supplementary letters patent shall contain a provision that any surplus created by reason of such decrease of capital is not to be decreased by dividends subsequently declared to shareholders. R.S.O. 1950, c. 59, s. 221.

Ss. 175 (2-4),
177, 178,
applicable
to company
undertaking
life insurance

146. A company undertaking life insurance may, by resolution passed at a special general meeting called for such purpose, provide that subsections 2, 3 and 4 of section 175 and sections 177 and 178 apply to such company. R.S.O. 1950, c. 59, s. 222.

Amalgama-
tion

Rev. Stat.,
c. 183

147. Subject to the approval of the agreement of amalgamation by Order in Council pursuant to *The Insurance Act*, section 96 of this Act applies to the amalgamation of two or more joint stock insurance companies. R.S.O. 1950, c. 59, s. 223.

Amalgama-
tion, etc., of
mutual cor-
poration
and joint
stock
corporation

148.—(1) Subject to *The Insurance Act*, a mutual corporation incorporated under the law of Ontario transacting life insurance may amalgamate with or transfer its contracts to or reinsure such contracts with any licensed insurer transacting life insurance and may enter into all agreements necessary to such amalgamation, transfer or reinsurance.

Confirma-
tion of
agreement

(2) Notwithstanding anything contained in its Act or instrument of incorporation or its constitution and by-laws, the board of directors may enter into any such agreement on behalf of the mutual corporation through its president and secretary, but no such agreement is binding or effective unless evidence satisfactory to the Superintendent is produced showing that the agreement has been confirmed by a vote of the majority of the members present or duly represented by proxy at a general or special general meeting of the mutual corporation and unless the agreement has been approved by the Lieutenant-Governor in Council pursuant to *The Insurance Act*.

Agreement
binding on
all members
of mutual
corporation

(3) Notwithstanding anything contained in its Act or instrument of incorporation, or in its constitution and by-laws, or in any policy or certificate or other document evidencing a contract issued by a mutual corporation, or in the constitution

or laws of or certificates issued by any fraternal society the contracts of which have been assumed by the mutual corporation or for which the mutual corporation has become responsible, the terms of any such agreement so confirmed and approved are valid and binding as of the date stipulated in the agreement upon all the members of the mutual corporation and upon their beneficiaries and legal representatives and upon all persons deriving legal rights from any such member or beneficiary so long as they do not involve any new or increased rates of contribution or premium, and the claims of all persons under any such contract of insurance shall be restricted to such benefits only as are continued in accordance with the terms of such agreement, and such contracts shall be deemed to be amended accordingly.

(4) Upon the coming into force of any such agreement the reinsurer, in complying with the requirements of *The Insurance Act* in respect of the valuation of contracts so reinsured or transferred, shall be entitled to base its valuation upon such tables of mortality and upon such rates of interest as would have been authorized by law for such mutual corporation if no such agreement had been made. R.S.O. 1950, c. 59, s. 224.

Standard of
valuations
Rev. Stat.,
c. 183

149.—(1) A mutual or cash-mutual corporation with guarantee capital stock may be incorporated for the purpose of undertaking and transacting any class of insurance for which a mutual or cash-mutual insurance corporation may be licensed under *The Insurance Act*.

Incorporation of
mutual and
cash-mutual
insurance
corporations

(2) A mutual insurance corporation without guarantee capital stock may be incorporated for the purpose of undertaking contracts of fire insurance upon agricultural property, weather insurance or live stock insurance, on the premium note plan. R.S.O. 1950, c. 59, s. 225.

Idem

150.—(1) Ten freeholders in any municipality may call a meeting of the freeholders thereof to consider whether it is expedient to establish therein a mutual fire insurance corporation without guarantee capital stock to undertake contracts of fire insurance upon agricultural property on the premium note plan. R.S.O. 1950, c. 59, s. 226.

Incorporation of
mutual fire
insurance
corporation
without
guarantee
capital stock

(2) The meeting shall be called by advertisement stating the time, place and object of the meeting, and the advertisement shall be published once in *The Ontario Gazette* and at least once a week for three consecutive weeks in a newspaper published in the county or district in which the municipality is situate. R.S.O. 1950, c. 59, s. 227.

Advertisements calling
meeting

Subscription
book

(3) If thirty freeholders are present at the meeting and a majority of them determine that it is expedient to establish a mutual fire insurance corporation, they may elect from among themselves three persons to open and keep a subscription book in which owners of real or personal property within Ontario may sign their names and enter the sum for which they respectively bind themselves to effect insurance in the corporation. R.S.O. 1950, c. 59, s. 228.

When
meeting may
be called

(4) When one hundred or more of such owners have signed their names in the subscription book and bound themselves to effect insurance in the corporation amounting in the aggregate to \$250,000 or more, a meeting shall be called as hereinafter provided. R.S.O. 1950, c. 59, s. 229.

How meeting
to be called

(5) When the subscription has been completed, any ten of the subscribers may call the first meeting of the proposed corporation at such time and place within the municipality as they may determine by sending a printed notice by mail, addressed to every subscriber at his post office address at least ten days before the day of the meeting and by advertisement in a newspaper published in the county or district in which the municipality is situate.

Contents of
notice

(6) The notice and advertisement shall state the object of the meeting and the time and place at which it is to be held. R.S.O. 1950, c. 59, s. 230.

Election of
directors

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the words "fire" and "mutual" shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and generally accessible place within the municipality or within a municipality adjacent thereto, named, at which the head office of the company is to be located.

Quorum of
meeting

(8) The presence of at least twenty-five of the subscribers is necessary to constitute a valid meeting.

First
meeting of
directors

(9) As soon as convenient after the meeting, the acting secretary shall call a meeting of the board of directors for the election from among themselves of a president and vice-president, for the appointment of a secretary and a treasurer or a secretary-treasurer or a manager and the transaction of such other business as may be brought before the meeting. R.S.O. 1950, c. 59, s. 231.

Certain
documents
to be
delivered

(10) With the application for incorporation the applicants shall produce to the Provincial Secretary, certified as correct under the hands of the chairman and secretary,

- (a) a copy of the minutes of the meeting including all resolutions respecting the objects of the proposed corporation, its name and the location of its head office;
- (b) a copy of the subscription book;
- (c) a list showing the names and addresses of the directors elected and of the officers appointed; and
- (d) such further information as the Provincial Secretary may require.

(11) There shall also, for verification, be produced to the Provincial Secretary, if requested, the originals of such documents. R.S.O. 1950, c. 59, s. 232. Production of originals

(12) The Provincial Secretary shall ascertain and determine whether the proceedings for the incorporation have been taken in accordance with this Part and whether the subscriptions are *bona fide* and by persons possessing property to insure. R.S.O. 1950, c. 59, s. 233. Provincial Secretary to ascertain correctness of proceedings

(13) The letters patent or supplementary letters patent shall limit the powers of a mutual fire insurance corporation without guarantee capital stock incorporated under this section to undertaking contracts of fire insurance upon agricultural and other non-hazardous property on the premium note plan in accordance with *The Insurance Act*. R.S.O. 1950, c. 59, s. 234. Powers
Rev. Stat., c. 183

151.—(1) Ten owners of live stock in any municipality may call a meeting of the owners of live stock to consider whether it is expedient to establish a live stock insurance corporation upon the mutual plan. Incorporation of mutual live stock insurance corporation without guarantee capital stock

(2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation without guarantee capital stock, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the municipality being owners of live stock in Ontario and that the meeting for the organization of the corporation shall not be held unless fifty owners of live stock in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation which in the aggregate amounts to \$50,000 or more. R.S.O. 1950, c. 59, s. 235. Organization

(3) The letters patent or supplementary letters patent shall limit the powers of a mutual live stock insurance corporation incorporated under this section to undertaking Powers

contracts

contracts of insurance on the premium note plan against loss of live stock by fire, lightning, accident, disease or any other means, except that of design on the part of the insured or by the invasion of an enemy or by insurrection. R.S.O. 1950, c. 59, s. 236.

Incorporation of mutual weather insurance corporation without guarantee capital stock

152.—(1) Ten owners of agricultural property in any municipality may call a meeting of the owners of agricultural property to consider whether it is expedient to establish therein a weather insurance corporation upon the mutual plan.

Organization

(2) The mode of calling such meeting and the proceedings for the formation of the corporation shall be the same *mutatis mutandis* as in the case of the formation of a mutual fire insurance corporation without guarantee capital stock, except that the determination that it is expedient to establish the corporation shall be by thirty residents of the municipality being owners of agricultural property in Ontario and that the meeting for the organization of the corporation shall not be held unless fifty owners of agricultural property in Ontario have signed their names to the subscription book and bound themselves to effect insurance in the corporation which in the aggregate amounts to \$50,000 or more. R.S.O. 1950, c. 59, s. 237.

Powers

(3) The letters patent or supplementary letters patent shall limit the powers of a mutual weather insurance corporation without guarantee capital stock incorporated under this section to undertaking contracts of insurance on the premium note plan on any kind of agricultural property against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance specifies. R.S.O. 1950, c. 59, s. 238.

Cash-mutual corporation

153. No cash-mutual insurance corporation shall be incorporated unless formed with guarantee capital stock as hereinafter provided. R.S.O. 1950, c. 59, s. 239.

Application of ss. 155-160

154. Sections 155 to 160 apply only to cash-mutual fire insurance corporations licensed under *The Insurance Act* before the 1st day of January, 1914. R.S.O. 1950, c. 59, s. 240.

Increase of share capital

155.—(1) A cash-mutual insurance corporation that had a share capital on the 1st day of January, 1925, with the assent of the Lieutenant-Governor in Council, may from time to time increase its share capital to such an amount as he may deem expedient. R.S.O. 1950, c. 59, s. 241 (1), *amended*.

Notice of application

(2) Notice of any application to the Lieutenant-Governor in Council under this section shall be published in at least

four consecutive issues of *The Ontario Gazette*. R.S.O. 1950, c. 59, s. 241 (2).

156. Every subscriber to such share capital shall, on allotment of one or more shares, become a shareholder of the corporation. R.S.O. 1950, c. 59, s. 242.

157. No insurance on the wholly cash plan makes the insured a member of the corporation or liable to contribute or pay any sum to the corporation, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the corporation. R.S.O. 1950, c. 59, s. 243.

158. The net annual profits and gains of the corporation, not including therein any premium notes, shall be applied in the first place to pay a dividend on the share capital not exceeding the rate of 10 per cent per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the corporation. R.S.O. 1950, c. 59, s. 244.

159.—(1) A corporation that has surplus assets, not including premium notes, sufficient to reinsure all its outstanding risks may be formed into a joint stock company upon making application in the manner provided in this Act for the incorporation of joint stock insurance companies.

(2) The application shall not be made until approved by the members by a vote representing at least two-thirds of the amount of the unexpired risks, and if the corporation has share capital, by a vote of at least two-thirds of the issued capital stock represented at an annual general meeting or at a special general meeting and by three-fourths in number of the directors of the corporation in writing signed by them.

(3) Notice of the intention to make the application and of the consideration thereof at such meeting shall be published in at least four consecutive issues of *The Ontario Gazette* and in a newspaper published in the county or district in which the head office of the corporation is situate at least once a week for four consecutive weeks before the holding of the meeting.

(4) Every person who is a member of the corporation on the day of the meeting is entitled to priority in subscribing to the capital stock of the corporation for one month after the opening of the books of subscription in the ratio that the insurance held by him bears to the aggregate of the unexpired risks then in force. R.S.O. 1950, c. 59, s. 245.

Vesting of
assets and
preservation
of liabilities

160. Any corporation formed under section 159 shall be answerable for all liabilities of the corporation from which it has been formed and may sue and be sued under its new corporate name, and the assets and property of the old corporation shall be vested in the new corporation from the date of its formation. R.S.O. 1950, c. 59, s. 246.

Mutual
insurance
corporation
with
guarantee
capital stock

161.—(1) A mutual or cash-mutual insurance corporation may be formed with an authorized guarantee capital stock of not less than \$300,000 and not more than \$500,000.

Number of
shares

(2) The guarantee capital stock shall be divided into shares of \$100 each. R.S.O. 1950, c. 59, s. 247.

Dividends

162. The holders of the guarantee capital stock shall be entitled to a semi-annual dividend of not more than 4 per cent per annum on their respective shares if there is sufficient surplus in excess of the guarantee capital stock outstanding, after providing for all liabilities and reserves, to pay such dividend. R.S.O. 1950, c. 59, s. 248.

Payment of
loss out of
guarantee
capital

163. The guarantee capital shall be applied to the payment of losses only when the corporation has exhausted its assets exclusive of uncollected premiums and when thus impaired, the directors may make good the whole or any part of it by assessments upon the contingent funds of the corporation at the date of such impairment. R.S.O. 1950, c. 59, s. 249.

Right to
vote

164. Shareholders and members of such corporations shall be subject to the provisions of this Act relative to their right to vote as applied to shareholders and policyholders in mutual or cash-mutual corporations incorporated without guarantee capital stock. R.S.O. 1950, c. 59, s. 250.

Retirement
of guarantee
capital stock

165.—(1) The guarantee capital stock shall be retired when the profits accumulated equal 2 per cent of the insurance in force.

Idem

(2) The guarantee capital stock may be reduced or retired by vote of the policyholders of the corporation with the assent of the Superintendent if the net assets of the corporation, above its reinsurance reserve and all other claims and obligations, exclusive of the guarantee capital stock, for the two years last preceding, and including the date of its last annual statement, is not less than 25 per cent of the guarantee capital stock. R.S.O. 1950, c. 59, s. 251.

Notice

(3) Notice of the intention of the corporation to reduce or retire the guarantee capital stock shall be published in at

least

least four consecutive issues of *The Ontario Gazette*, not less than thirty days before the meeting when such action may be taken and elsewhere if so required by the Superintendent. R.S.O. 1950, c. 59, s. 252.

166. No mutual or cash-mutual insurance corporation with a guarantee capital stock that has ceased to do new business shall divide among its shareholders any part of its assets or guarantee capital except income from investments until it has performed or cancelled its policy obligations and upon proof to the Superintendent that such policy obligations have been performed or cancelled. R.S.O. 1950, c. 59, s. 253.

Distribution
of guarantee
capital stock

167. Sections 168 to 183 apply only to mutual and cash-mutual fire insurance corporations and to mutual live stock corporations and mutual weather insurance corporations. R.S.O. 1950, c. 59, s. 254.

Mutual and
cash-mutual
insurance
corporations,
application
of ss. 168-183

168.—(1) Any person insured under a policy issued by a corporation shall, from the date upon which the insurance becomes effective, be deemed a member of such corporation.

Insured
deemed
member

(2) No member shall be liable in respect of any claim or demand against the corporation beyond the amount unpaid on his premium note.

Member's
liability

(3) Any member may, with the consent of the directors, withdraw from the corporation on such terms as the directors may lawfully prescribe subject to *The Insurance Act*. R.S.O. 1950, c. 59, s. 255.

Member
withdrawing
Rev. Stat.,
c. 183

169.—(1) A meeting of the shareholders and members for the election of directors shall be held within the first two months of every year at such time and place as the by-laws of the corporation prescribe.

Annual
meeting

(2) Before the election the annual statement for the year ending on the previous 31st day of December shall be presented and read. R.S.O. 1950, c. 59, s. 256.

Annual
statement

170. If an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day at a meeting to be called by the directors or as otherwise provided by the by-laws of the company, and in such case the directors then in office continue to hold office until their successors are elected. R.S.O. 1950, c. 59, s. 257.

Failure to
elect
directors

171.—(1) Notice of every annual or special general meeting of the corporation shall be sent by post to every shareholder

Notice of
annual or
special
meetings

holder

holder and member and shall be published in a newspaper published at or near the place where the head office is located at least seven days before the day of the meeting.

Power of
directors

(2) The directors may convene a general meeting of the corporation at any time.

Annual
statement to
be sent to
members

(3) The directors shall, at least seven days before the day of the annual meeting, send to every member by post the annual statement for the year ending on the previous 31st day of December, which shall be certified by the auditors and shall be in the form prescribed by the regulations passed under section 75 of *The Insurance Act*. R.S.O. 1950, c. 59, s. 258.

Rev. Stat.,
c. 183

Voting
powers of
members

172.—(1) A member of the corporation is entitled at all meetings of the corporation to the number of votes in proportion to the amount of insurance held by him according to the following scale: under \$1,500, one vote; \$1,500 to \$3,000, two votes; and \$3,000 or over, three votes; but no member shall be entitled to vote while in arrear for any assessment or cash payment due by him to the corporation.

Where policy
made to two
or more
persons

(2) Where a policy on the premium note plan is made to two or more persons one only is entitled to vote, and the right of voting shall belong to the one first named on the register of policyholders if he is present, and if not present to the one who stands second, and so on.

Where prop-
erty
insured by
trustee board

(3) Where property is insured by a trustee board, any member of the board or its secretary-treasurer duly appointed in writing pursuant to its resolution may vote on its behalf. R.S.O. 1950, c. 59, s. 259.

Right of
mere
applicants

173. No applicant for insurance is competent to vote or otherwise take part in the corporation's proceedings until his application has been accepted by the directors. R.S.O. 1950, c. 59, s. 260.

Qualifica-
tions of
directors

174.—(1) No person shall be eligible to be or shall act as a director unless he is a member of the corporation and insured therein for the time he holds office,

(a) in the case of a live stock insurance corporation, to the amount of not less than \$200; and

(b) in the case of every other corporation, to the amount of not less than \$800.

Where
corporation
has a share
capital

(2) Where the corporation has a share capital, not less than two-thirds of the directors shall also be holders of shares each to the amount of not less than \$1,000 upon which all calls have been paid.

(3) The president or director of a member corporation that has the qualifications that would qualify an individual to be a director is eligible to be a director of the corporation. Representation of corporations

(4) Where a partnership has the qualifications that would qualify an individual to be a director of the corporation, one member of the partnership is eligible to be a director of the corporation. R.S.O. 1950, c. 59, s. 261. Representation of partnerships

175.—(1) The board shall consist of six, nine, twelve or fifteen directors, to be determined by resolution passed at the meeting held under subsection 5 of section 150. Number of directors

(2) The number of directors may from time to time be increased or decreased if so determined at a special general meeting of the corporation called for the purpose, or at an annual general meeting, if notice in writing of the intention to propose a by-law for that purpose at such annual meeting is given to the secretary of the corporation at least one month before the holding of the meeting, but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen. Increase or decrease in number

(3) Where such a notice has been given to the secretary, that fact shall be stated in the notice of the annual general meeting. Notice of proposed change

(4) With the copy of the by-law filed with the Superintendent there shall be filed a list of the directors elected thereunder certified under the hands of the chairman and secretary of the meeting. R.S.O. 1950, c. 59, s. 262. Copy of resolution and list of directors to be filed

176. At any annual general meeting of the shareholders or members of a corporation, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws for the remuneration of the directors, and a certified copy of every such by-law shall, within seven days after its passing, be filed with the Superintendent. R.S.O. 1950, c. 59, s. 263. Filing by-laws for remuneration of directors

177. One-third of the directors shall retire annually, in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered on the minutes of the meeting. R.S.O. 1950, c. 59, s. 264. Retirement of directors in rotation

178. At every annual general meeting thereafter, one-third of the total number of directors shall be elected for a Annual election to fill vacancies

period

period of three years to fill the places of the retiring directors, who shall be eligible for re-election. R.S.O. 1950, c. 59, s. 265.

Manager
may be a
director and
be paid
salary

179. The manager of the corporation, although he has not the qualifications required by section 174, may be a director of the corporation and may be paid an annual salary under a by-law passed as provided by section 163. R.S.O. 1950, c. 59, s. 266.

Certain
persons not
eligible as
directors

180.—(1) No agent or paid officer, or officer of the bankers of the corporation, or person in the employment of the corporation, other than the manager, is eligible to be elected as a director or shall interfere in the election of directors.

Fees of
director
taking
application

(2) Nothing in this section applies to a person receiving applications for insurance or taking to his own use the customary application, survey or policy fee or prevents a director from so doing. R.S.O. 1950, c. 59, s. 267, *amended*.

Election of
directors

181.—(1) The election of directors shall be held and made by such shareholders and members as attend for that purpose in person, or in the case of a corporation or partnership by a director, officer or member authorized in writing to represent it.

Ballot

(2) The election shall be by ballot.

Case of a
tie at an
election

(3) If two or more members have an equal number of votes so that less than the whole number to be elected appear to have been chosen directors by a majority of votes, the members present shall proceed to ballot until it is determined which of the persons so having an equal number of votes shall be the director or directors.

Election of
president
and vice-
president

(4) The directors shall at their first meeting after any such election elect by ballot from among themselves a president and vice-president, and the secretary shall preside at such election. R.S.O. 1950, c. 59, s. 268.

Interim
vacancies

182. If a vacancy occurs among the directors during the term for which they have been elected by death, resignation, ceasing to have the prescribed qualification, insolvency, or by absence without previous leave of the directors from three successive regular meetings which shall *ipso facto* create such vacancy, the vacancy, in the case of a board limited to six directors, shall be filled and in the case of a board limited to a number of directors, exceeding six, may be filled, until the next annual general meeting, by any

person

person duly qualified chosen by a majority of the remaining directors as soon as may be after the vacancy occurs, and at the next annual general meeting the vacancy shall be filled for the portion of the term still unexpired. R.S.O. 1950, c. 59, s. 269.

183.—(1) A majority of the directors constitutes a quorum Quorum of directors for the transaction of business and in the case of an equality of votes at any meeting the question passes in the negative.

(2) A director disagreeing with the majority at a meeting may have his dissent recorded with his reasons therefor. Recording dissent R.S.O. 1950, c. 59, s. 270.

184.—(1) Every officer or person appointed or elected to any office concerning the receipt or proper application of money shall furnish security for the just and faithful execution of the duties of his office according to the by-laws or rules of the corporation, and any person entrusted with the performance of any other service may be required to furnish similar security, and security so furnished and then subsisting shall be produced to the auditors at the annual audit. Security of accountants

(2) The security given by the treasurer or other officer having charge of the money of the corporation shall not be less than \$3,000 and shall consist of the bond of a licensed guarantee insurance or surety company. R.S.O. 1950, c. 59, s. 271. Minimum

185. Subject to the approval of the agreement of amalgamation by Order in Council under *The Insurance Act*, section 96 applies *mutatis mutandis* to the amalgamation of two or more mutual or cash-mutual insurance corporations. R.S.O. 1950, c. 59, s. 272. Amalgamation
Rev. Stat.,
c. 183

186.—(1) Subject to subsection 5, a mutual or cash-mutual insurance corporation may form a permanent reserve fund to consist of such part of the net profits as may from time to time be set aside by the directors for that purpose or to be made up by annual assessments for that purpose not exceeding, for any single assessment, 10 per cent on the premium notes held by the corporation until the total of the fund reaches 2 per cent of the corporation insurance in force. Reserve fund of mutual or cash-mutual insurance corporation

(2) Such fund shall be held for the security of the insured and shall be subject to the provisions of this Act relating to the investment of the funds of insurance companies. Investment and income

(3) The income from the fund shall be included in the general receipts of the company and constitutes a part of the net profits, if any. Income part of net profits

Use of
reserve fund

(4) The fund so accumulated shall be used for the payment of losses and expenses when the cash funds of the company in excess of an amount equal to its liabilities, including guarantee capital if any, are exhausted, and when the fund is drawn upon the allocation of profits or assessments as aforesaid may be renewed or continued until the limit of accumulation is reached.

Reduction
of fund
prohibited

(5) The fund shall not be reduced by the payment of dividends to shareholders or members or by reduction of current premiums below the limit of 2 per cent of the insurance in force hereinbefore mentioned, but it may be increased beyond such limit if the company so desires.

Application
of section

(6) This section does not apply to corporations undertaking life insurance nor to purely mutual fire insurance corporations insuring risks other than mercantile or manufacturing, upon the premium note plan, nor to purely mutual live stock or weather insurance companies, carrying on business on the premium note plan. R.S.O. 1950, c. 59, s. 273.

Incorporation
of
fraternal
societies

187.—(1) The Lieutenant-Governor may in his discretion, by letters patent, issue a charter to any number of persons, not less than seventy-five, of twenty-one or more years of age, five of whom apply therefor, constituting such persons and any others who have signed the membership book, and persons who thereafter become members in the fraternal society thereby created, a corporation for the purposes of undertaking any class of insurance for which a fraternal society may be licensed under *The Insurance Act*. R.S.O. 1950, c. 59, s. 274.

Rev. Stat.,
c. 183

Notice

(2) The applicants for incorporation, immediately before the application, shall publish in at least four consecutive issues of *The Ontario Gazette* notice of their intention to apply, and shall also, if so required, publish elsewhere notice of such intention. R.S.O. 1950, c. 59, s. 275.

Particulars
of
application

(3) The application for the incorporation of a fraternal society shall show,

- (a) the proposed name of the fraternal society;
- (b) the place within Ontario where the head office of the fraternal society is to be situate;
- (c) the name in full, the place of residence and the calling of each of the applicants who are to be the first trustees or managing officers of the fraternal society;
- (d) such other information as the Provincial Secretary may require.

(4) The application shall be accompanied by the original membership book or list containing the signatures duly certified of at least seventy-five persons who thereby agree to become members of the fraternal society if and when incorporated, by a copy of the proposed by-laws of the fraternal society, and by evidence that the approval of the Superintendent to the proposed by-laws and rules has been obtained. R.S.O. 1950, c. 59, s. 276.

188. Within thirty days after the issue of the letters patent and upon due notice to all members of the society, an organization meeting of the society shall be held at which the by-laws shall be adopted and the officers of the society elected. R.S.O. 1950, c. 59, s. 277.

189.—(1) Where a fraternal society licensed under *The Insurance Act* has its head office elsewhere than in Ontario, the grand or other provincial body of the lodges or a majority of the lodges in Ontario may apply to the Lieutenant-Governor for the issue of a charter and from the time of the issue of the letters patent, the applicants become a corporation for the purpose of undertaking any class of insurance for which a fraternal society may be licensed under *The Insurance Act*.

(2) Subsection 1 of section 187 applies to an incorporation under this section.

(3) Before the issue of the letters patent evidence shall be produced to the Provincial Secretary that the approval of the Superintendent to the application has been secured. R.S.O. 1950, c. 59, s. 278.

190. An auxiliary or local subordinate body or branch of a licensed fraternal society may be separately incorporated by like proceedings and under the authority of section 189. R.S.O. 1950, c. 59, s. 279.

191.—(1) Subject to *The Insurance Act*, any fraternal society may amalgamate with any other fraternal society or transfer all or any portion of its contracts to or reinsure the same with any insurer licensed for the transaction of life insurance and may enter into all agreements necessary to such amalgamation, transfer or reinsurance.

(2) Notwithstanding anything contained in its Act or instrument of incorporation or its constitution and by-laws, the governing executive authority may enter into any such agreement on behalf of the society through its principal officer and secretary, but no such agreement is binding or effective unless evidence satisfactory to the Superintendent

is produced showing that the principle of amalgamation, transfer or reinsurance has been approved and that the agreement has been confirmed by a vote of the majority of the members present or duly represented at a general or special meeting of the supreme legislative or governing body of the society regularly called. R.S.O. 1950, c. 59, s. 280, *amended*.

Confirma-
tion of
amalgama-
tion

192. Subsection 4 of section 96 applies *mutatis mutandis* to the amalgamation of two or more fraternal societies. R.S.O. 1950, c. 59, s. 281.

Incorpora-
tion of
mutual
benefit
society

Rev. Stat.,
c. 183

193.—(1) A mutual benefit society may be incorporated for the purpose of undertaking any class of insurance for which a mutual benefit society may be licensed under *The Insurance Act*, and the provisions of this Part relating to fraternal societies apply *mutatis mutandis* to the incorporation of mutual benefit societies and to such societies when incorporated.

Name

(2) The proposed name of a mutual benefit society incorporated under this Part shall include the words "mutual benefit". R.S.O. 1950, c. 59, s. 282.

Pension fund
and
employees'
mutual
benefit
societies,
application
of ss. 195-206

194. Sections 195 to 206 apply to pension fund and employees' mutual benefit societies incorporated under this Part. R.S.O. 1950, c. 59, s. 283.

Interpreta-
tion

195. In sections 196 to 206,

- (a) "parent corporation" means the corporation any of whose officers establish a pension fund or employees' mutual benefit society under this Part;
- (b) "society" means a pension fund or employees' mutual benefit society incorporated under this Part;
- (c) "subsidiary corporation" means a corporation wherever incorporated at least 75 per cent of whose issued common shares are owned by a parent corporation as herein defined. R.S.O. 1950, c. 59, s. 284.

Charter by
letters
patent

196.—(1) The Lieutenant-Governor may in his discretion, by letters patent, issue a charter to any number of persons, not less than five, of twenty-one or more years of age, two of whom are officers of a corporation legally transacting business in Ontario who apply therefor, constituting such persons and the employees of such corporation and of its subsidiary corporations who join the society and those who replace them from time to time a pension fund or employees' mutual benefit society, and such society shall be a corporation. R.S.O. 1950, c. 59, s. 285, *amended*.

(2) The application for the incorporation of a pension fund or employees' mutual benefit society shall show, Contents of application

- (a) the proposed name of the society;
- (b) the name of the parent corporation;
- (c) the place within Ontario where the head office of the society is to be situate;
- (d) the name in full and place of residence and calling of each of the applicants; and
- (e) the names, not less than five, of those who are to be the first directors of the society. R.S.O. 1950, c. 59, s. 286.

(3) Notice of the application for incorporation of such a society shall be published in at least four consecutive issues of *The Ontario Gazette* and such notice shall state, Notice

- (a) the proposed name of the society;
- (b) the place within Ontario where the head office of the society is to be situate; and
- (c) the name of the secretary thereof. R.S.O. 1950, c. 59, s. 287.

197. The first directors have power to call the first meeting of the society and at such meeting directors may be elected and by-laws may be passed under this Act, and upon the passing of such by-laws a copy thereof shall be filed with the Provincial Secretary within two weeks after the passing thereof and copies of subsequent by-laws in amendment thereof, in addition thereto or diminution therefrom shall also be filed with the Provincial Secretary within two weeks from the passing thereof. R.S.O. 1950, c. 59, s. 288. First meeting

198.—(1) The affairs of the society shall be administered by a board of directors who shall be appointed or elected in such manner, in such number, with such qualifications, and for such period as are determined by the by-laws, but at the first meeting of the society five directors shall be elected, subject to addition to such number if so sanctioned by the by-laws, and other officers may be appointed in such manner, with such remuneration, and under such provisions touching their powers and duties as are established by the by-laws. Directors

(2) The board of directors may by by-law entrust the whole or a part of the fund of the society to a trust company licensed Management of fund by trust company

under

under the law of Ontario and may delegate to such trust company all or any of its powers and discretions relating to the custody and management of the fund. R.S.O. 1950, c. 59, s. 289.

Interpre-
tation

199.—(1) In this section, “dependants” means the wives, husbands, and children under twenty-one years of age, including adopted children, of officers or employees within the meaning of this section. R.S.O. 1950, c. 59, s. 290 (1), *amended*.

Powers and
objects of
society

(2) After its incorporation every pension fund and employees’ mutual benefit society has the power, by means of voluntary contribution or otherwise as its by-laws provide, to form a fund, and may invest, hold and administer it and from and out of it may,

- (a) provide for the support and payment of pensions to officers and employees of the parent corporation and its subsidiary corporations incapacitated by age or infirmity or who cease to be employed by the parent or a subsidiary corporation;
- (b) upon the death of such officers or employees, pay pensions, annuities or gratuities to their widows and children or other surviving relatives or legal representatives in such manner as the by-laws specify;
- (c) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation incapacitated by illness, accident or disability;
- (d) provide for the payment of benefits to former officers and employees of the parent or subsidiary corporation who are retired on a pension paid by the parent or subsidiary corporation and who are incapacitated by illness, accident or disability;
- (e) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation in respect of illness, accident or disability that has incapacitated dependants of such officers or employees; and
- (f) upon the death of such officers or employees, pay a funeral benefit in such manner as the by-laws specify. R.S.O. 1950, c. 59, s. 290 (2), *amended*.

Power to
pass by-laws

200.—(1) Every pension fund and employees’ mutual benefit society has all corporate powers necessary for its purposes and may pass by-laws not contrary to law defining and regulating in the premises, and prescribing the mode of enforcement of, all the rights, powers and duties of,

(a)

- (a) the society;
- (b) the individual members thereof;
- (c) the officers and employees of the parent corporation and its subsidiary corporations;
- (d) the widows and children or other surviving relatives, or the personal representatives of such officers and employees; and
- (e) the parent corporation.

(2) Every such incorporated society may also make by-laws as aforesaid for, ^{Additional by-laws}

- (a) the formation and maintenance of the fund;
- (b) the management and distribution thereof;
- (c) the enforcement of any penalty or forfeiture in the premises; and
- (d) the government and ordering of all business and affairs of the society.

(3) No such by-law shall be effective unless it has been sanctioned by the board of directors of the parent corporation. ^{Sanction of parent corporation}
R.S.O. 1950, c. 59, s. 291.

201. All the powers, authority, rights, penalties and forfeitures whatever of the society or of its members, officers or employees, or of such widows and children or other surviving relatives or legal representatives, or of the parent corporation shall be such and such only and may be enforced in such mode and in such mode only, as by such by-laws shall be defined and limited. ^{By-laws defining rights and remedies of beneficiaries, etc.} R.S.O. 1950, c. 59, s. 292.

202. All the revenue of the society, from whatever source derived, shall be devoted exclusively to the maintenance of the society and the furtherance of the objects of the fund and to no other purpose. ^{Revenue} R.S.O. 1950, c. 59, s. 293.

203. The parent corporation may contribute annually or otherwise to the funds of the society by a vote of its directors or its shareholders. ^{Contribution by parent corporation} R.S.O. 1950, c. 59, s. 294.

204. The interest of any member in the funds of the society is not transferable or assignable by way of pledge, hypothecation, sale, security or otherwise. ^{Prohibition against member assigning interest} R.S.O. 1950, c. 59, s. 295.

Special
audit

205.—(1) Where it is shown to the satisfaction of the Provincial Secretary that the accounts of a society have been materially or wilfully falsified, or where there is filed in the office of the Provincial Secretary a requisition for audit bearing the signatures, addresses and occupations of at least 25 per cent of the members of the society and alleging in a sufficiently particular manner to the satisfaction of the Provincial Secretary specific fraudulent or illegal acts, or the repudiation of obligations or insolvency, the Provincial Secretary may appoint one or more accountants or actuaries who shall, under his direction, make a special audit of the books and accounts and report thereon in writing verified upon oath to the Provincial Secretary. R.S.O. 1950, c. 59, s. 296 (1).

Security for
costs

(2) Where an audit is requested, the persons requesting it shall, with their requisition, deposit with the Provincial Secretary security for the costs of the audit in such sum as he may fix, and where the facts alleged in the requisition appear to the Provincial Secretary to have been partly or wholly disproved by the audit he may pay the costs thereof partly or wholly out of the deposit. R.S.O. 1950, c. 59, s. 266 (2), *amended*.

Duty to
facilitate
special audit

(3) The society, its officers and servants shall facilitate the making of such special audit so far as it is in their power and shall produce for inspection and examination by the person so appointed such books, securities and documents as he may require.

Expense of
special audit

(4) Subject to subsection 2, the expense of such special audit shall be borne by the society, and the auditor's account, when approved in writing by the Provincial Secretary, shall be paid by the society forthwith. R.S.O. 1950, c. 59, s. 296 (3, 4).

Return to
Provincial
Secretary

206. Every society formed under this Act shall at all times when thereunto required by the Provincial Secretary make a full return of its assets and liabilities and of its receipts and expenditures for such period and with such details and other information as the Provincial Secretary requires. R.S.O. 1950, c. 59, s. 297.

Interpre-
tation

207.—(1) In subsection 2, except in clause *n* thereof, "insurer" shall be deemed to mean only joint stock insurance companies, fraternal societies, mutual insurance corporations with guarantee capital stock, and cash-mutual insurance corporations, and in clause *n* of subsection 2 "insurer" shall be deemed to mean only joint stock insurance companies and cash-mutual insurance corporations.

(2) Subject to subsections 3 to 15, an insurer incorporated under the law of Ontario may invest its funds, or any portion thereof, in the purchase of, ^{Powers of Ontario insurers:}

- (a) the bonds, debentures, stocks or other evidences of indebtedness of or guaranteed by the government of, ^{government securities}
 - (i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Union of South Africa, and the United Kingdom, or any province or state thereof, and Southern Rhodesia and the Republic of Ireland,
 - (ii) a colony of the United Kingdom,
 - (iii) the United States of America or a state thereof, or
 - (iv) a country in which the insurer is carrying on business, or a province or state thereof, or a colony, dependency, territory or possession thereof in which the insurer is carrying on business;
- (b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business, or of a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; ^{municipal, etc., securities}
- (c) the bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Canada of an annual payment that the Government of Canada has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made; ^{bonds secured by Dominion payment}
- (d) the bonds or debentures issued by a charitable, educational or philanthropic corporation where annual subsidies, sufficient to meet the interest as it falls due on the bonds or debentures and to meet ^{bonds secured by provincial subsidy}

the principal amount of the bonds or debentures on maturity, are by virtue of a general or private Act of a province of Canada heretofore passed, payable by or under the authority of the province to a trust corporation as trustee for the holders of the bonds or debentures;

debentures
secured by
statutory
charge upon
real estate,
plant or
equipment

- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding;

revenue
bonds

- (f) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these purposes, to levy, impose or make taxes, rates, fees or other charges that,

- (i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or

- (ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;

bonds, etc.,
secured by
mortgage

- (g) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to a trustee upon any, or upon any combination, of the following assets:

- (i) real estate,

- (ii)

- (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
 - (iii) bonds, debentures or other evidences of indebtedness or shares of a class or classes authorized by this subsection as investments,
- and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;
- (h) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a railway corporation incorporated in Canada or in the United States of America, if the obligations or certificates are fully secured by,
- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
 - (ii) a lease or conditional sale thereof by the trustee to the railway corporation;
- (i) the bonds, debentures or other evidences of indebtedness,
- (i) of a corporation that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares or a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid, or
 - (ii) of or guaranteed by a corporation where the earnings of the corporation in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed

by it other than indebtedness classified as a current liability in the balance sheet of the corporation; and if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporations shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation; and for the purpose of this subclause earnings shall mean earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred
shares

(j) the preferred shares of a corporation that has paid,

(i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

common
shares

(k) the fully-paid common shares of a corporation that, in each year of a period of seven years ended less than one year before the date of investment, has paid a dividend upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

real estate
mortgages

(l) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in

which

which the investment is made shall not exceed 60 per cent of the value of the real estate covered thereby;

- (m) mortgages or hypothecs on real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount which the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country; or ^{guaranteed or insured real estate mortgages}
- (n) real estate or leaseholds for the production of income in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, if ^{real estate for the production of income}
 - (i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that has met the dividend requirements specified in subclause i of clause i,
 - (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the insurer in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
 - (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed one-half of 1 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold,

and may lend its funds or any portion thereof on the security of, ^{lending funds:}

- (o) any of the bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under this subsection, but the amount of the loan together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this section; ^{authorized securities}

(p)

real estate
mortgages

- (p) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 60 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 60 per cent of the sale price of the real estate; or

guaranteed
or insured
real estate
mortgages

- (q) real estate or leaseholds in Canada or elsewhere where the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage or hypothec thereon securing the loan is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country.

Securities
received on
reorganiza-
tion or
amalgama-
tion

- (3) Where an insurer owns securities of a corporation and where as a result of a *bona fide* arrangement for the reorganization of the corporation or for the amalgamation of the corporation with another corporation such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under subsection 2, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares but they shall be allowed as an asset of the insurer, in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant-Governor in Council may determine, unless it is shown to the satisfaction of the Lieutenant-Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 2.

Other
assets:

- (4) A joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not authorized by subsection 2, including investments in real estate or leaseholds, subject to the following:

Real estate
for the
production
of income

- (a) Investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the insurer

in Canada or elsewhere where the insurer is carrying on business, either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of 1 per cent of the book value of the total assets of the insurer.

- (b) This subsection shall be deemed not to enlarge Exceptions the authority conferred by subsection 2 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds.

- (c) The total book value of the investments and loans Limitation made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 3 per cent of the book value of the total assets of the insurer.

(5) An insurer licensed to transact the business of life Life insurance policies insurance may invest or lend its life insurance funds or any portion thereof in the purchase of or on the security of policies of life insurance issued by the insurer or by any other insurer licensed to transact the business of life insurance in Ontario.

(6) Notwithstanding anything in this Act or in any other National Housing Acts Act, an insurer incorporated under the law of Ontario,

- (a) may lend its funds, or any portion thereof, on the 1938, c. 49 (Can.) 1944-5, c. 46 (Can.) security of real estate pursuant to *The National Housing Act, 1938* (Canada) or *The National Housing Act, 1944* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other estate or interest therein in excess of 60 per cent of the value of the real estate or interest therein which forms the security for such loan or in excess of the amount which may be loaned in accordance with *The National Housing Act, 1944* (Canada) or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant-Governor in Council or by a municipality under *The Housing Development Act*;

Rev. Stat., c. 174

- (b) may, if it is incorporated for the purpose of undertaking life insurance, cause to be formed, or may join with one or more life insurance corporations in

forming

forming one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount which, when added to the aggregate amount invested by such insurer under clause *c*, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and

- (*c*) may, if it is incorporated for the purpose of undertaking life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to *The National Housing Act, 1944* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

1944-5, c. 46
(Can.)

Limitation
of invest-
ment in
common
shares

- (7) The total book value of the investments of an insurer in common shares shall not exceed 15 per cent of the book value of the total assets of the insurer.

Limitation
in invest-
ment in
real estate
for the
production
of income

- (8) The total book value of the investments of a joint stock insurance company or a cash-mutual insurance corporation in real estate or leaseholds for the production of income pursuant to this section shall not exceed 5 per cent of the book value of the total assets of the insurer.

No invest-
ment in
securities
in default

- (9) An insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which payment of principal or interest is in default.

Investments
in corporate
name only

- (10) All investments and deposits of the funds of any insurer shall be made in its corporate name, and no director or other officer thereof and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that if he is a policyholder he shall be entitled to all the benefits accruing under the terms of his contract.

(11) No insurer shall,

Prohibitions
and
restrictions

- (a) invest in or loan its funds upon the security of its own shares or the shares of any company transacting the business of insurance; or
- (b) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, invest money in any one security or make a total investment in any one corporation including the purchase of its shares or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of more than 10 per cent of its funds; or
- (c) except as to securities of or guaranteed by the Government of Canada, or the government of any province of Canada, or a municipal corporation in Canada, make any investment the effect of which will be that such insurer will hold more than 10 per cent of the total issue of shares of any one company; or
- (d) lend any of its funds to any director or officer thereof or to the wife or any child of such director or officer except, in the case of an insurer undertaking contracts of life insurance, on the security of its own policies, nor shall an insurer lend any of its funds to a company if more than one-half of the shares of the capital stock of the company are owned by a director or officer of the insurer or the wife or a child of a director or officer, or by any combination of such persons; or
- (e) subscribe to or participate in or employ the funds of the insurer in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the *bona fide* purpose of protecting investments already made by the insurer, enter into any transaction for such purchase or sale on account of such insurer, jointly with any other person, firm or corporation, but this clause shall not be deemed to prohibit the subscription for bonds or securities permitted by this section as a *bona fide* permanent investment on behalf of any such insurer.

(12) Except for the *bona fide* purpose of protecting investments previously made by it, and subject to the approval of the Lieutenant-Governor in Council, no insurer shall, nor

Interest in
forming
other
companies

shall

shall its directors or officers or any of them on its behalf, under colour of an investment of the insurer's funds, directly or indirectly be employed, concerned or interested in the formation or promotion of any other corporation, but nothing in this subsection shall be deemed to prohibit insurers investing their funds in securities of a new corporation as provided in subsection 2.

Additional
security to
secure repay-
ment of
liabilities

(13) An insurer may take any additional securities of any nature to further secure repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such insurer is by this section authorized to invest or lend any of its funds.

By-laws to
prevail

(14) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section enlarges the power of investment.

Disposal of
unauthorized
investments

(15) The Superintendent may request any insurer to dispose of and realize any of its investments acquired after the 1st day of May, 1928, and not authorized by this section, and such insurer shall within sixty days after receiving such request absolutely dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by such insurer for such investments the directors of the insurer shall be jointly and severally liable for the payment to such insurer of the amount of the deficiency, but if any director present when any such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment and is able to do so, enters on the minutes of the board of directors his protest against such investment, and, within eight days thereafter, gives notice of his protest by registered letter to the Superintendent, such director shall thereby and not otherwise exonerate himself from such liability. 1952, c. 10, s. 3, *part*.

Other
insurers

Rev. Stat.,
c. 400

208. Insurers, other than those mentioned in subsection 1 of section 207, may invest their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds. 1952, c. 10, s. 3, *part*.

When
charter to be
forfeited
for non-user
or discon-
tinuance

209.—(1) If an insurer incorporated under the law of Ontario, whether under this Act or under any general or special Act, does not go into actual *bona fide* operation within two years after incorporation, or if, after an insurer has undertaken contracts, such insurer discontinues business for one year, or if its licence remains suspended for one year, or is terminated otherwise than by effluxion of time and is not renewed within the period of sixty days, the insurer's corporate

powers *ipso facto* cease and determine, except for the sole purpose of winding up its affairs, and in any action or proceeding where such non-user is alleged, proof of user is upon the insurer, and the Supreme Court upon the petition of the Attorney-General, or of any person interested, may limit the time within which the insurer is to settle and close its accounts, and may for that purpose or for the purpose of liquidation generally appoint a receiver.

(2) No such forfeiture affects prejudicially the rights of creditors as they exist at the date of the forfeiture. R.S.O. 1950, c. 59, s. 300. Rights of
creditors

210. In sections 211 to 217, "shareholder" includes member and participating policyholder eligible to vote for a policyholders' director. *New.* Interpre-
tation

211.—(1) The directors of an insurer undertaking and transacting life insurance shall lay before each annual meeting of shareholders, Information
when laid
before
annual
meetings of
life insurers

(a) a financial statement for the period commencing on the date of incorporation and ending not more than six months before such annual meeting or commencing immediately after the period covered by the previous financial statement and ending not more than six months before such annual meeting, as the case may be, made up of,

(i) a statement of revenue and expenditure for such period,

(ii) a statement of surplus for such period,

(iii) a balance sheet made up to the end of such period;

(b) the report of the auditor to the shareholders;

(c) such further information respecting the financial position of the insurer as the letters patent, supplementary letters patent or by-laws of the insurer require.

(2) The statements referred to in subclauses i, ii and iii of clause a of subsection 1 shall comply with and be governed by sections 212 to 216 but it shall not be necessary to designate them the statement of revenue and expenditure, statement of surplus and balance sheet. Contents of
financial
statement

(3) The statement of surplus referred to in subclause ii of clause a of subsection 1 and the information required by Incorporation of
statements
subsections

subsections 2 and 3 of section 213 may be incorporated in and form part of the statement of revenue and expenditure referred to in subclause i of clause *a* of subsection 1.

Auditor's
report to
be read

(4) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection by any shareholder. *New.*

Statement
of revenue
and
expenditure

212.—(1) Every statement of revenue and expenditure to be laid before an annual meeting shall be drawn up so as to present fairly the results of the operations of the insurer for the period covered by the statement and so as to distinguish severally at least,

- (a) premium income;
- (b) income from invested assets;
- (c) profit or loss from sale of invested assets;
- (d) amounts by which values of invested assets are increased or decreased;
- (e) payments to policyholders and beneficiaries, other than the disbursement of moneys previously left on deposit;
- (f) increase or decrease in actuarial liability under insurance and annuity contracts;
- (g) total remuneration of directors as such from the insurer including all salaries, bonuses, fees, contributions to pension funds and other emoluments;
- (h) premium taxes;
- (i) head office, agency, investment and other operating expenses;
- (j) the amount transferred to or from general surplus.

Notes

(2) Notwithstanding subsection 1, items of the natures described in clauses *d* and *g* of subsection 1 may be shown by way of note to the statement of revenue and expenditure. *New.*

Statement
of surplus

213.—(1) Every statement of surplus shall be drawn up so as to present fairly the transactions reflected in such statement, and shall show separately a statement of general surplus and a statement of shareholders' surplus, howsoever designated.

General
surplus

(2) Every statement of general surplus shall be drawn up so as to distinguish at least the following items:

1. The balance of each amount making up the total of general surplus as shown in the balance sheet at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:
 - (i) The amount shown on the statement of revenue and expenditure as transferred to or from general surplus.
 - (ii) The amount of surplus arising from the issue of shares or the reorganization of the insurer's issued capital, including *inter alia*,
 - (a) the amount of premiums received on the issue of shares at a premium;
 - (b) the amount of surplus realized on the purchase for cancellation of shares.
 - (iii) Donations of cash or other property by shareholders.

3. The balance of each amount making up such general surplus as shown in the balance sheet at the end of the financial period.

(3) Every statement of shareholders' surplus shall be drawn Shareholders' surplus
so as to distinguish at least the following items:

1. The balance of such surplus as shown in the balance sheet at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:
 - (i) The amount transferred to or from general surplus.
 - (ii) Provision for taxes on income.
 - (iii) The amount of dividends declared on each class of shares.
3. The balance of such surplus as shown in the balance sheet at the end of the financial period. *New.*

214.—(1) Every balance sheet to be laid before an annual Balance sheet
meeting shall be drawn up so as to present fairly the financial

position

position of the insurer as at the date to which it is made up and so as to distinguish severally at least the following:

1. The invested assets of the insurer as described in section 207 severally designated as follows:

- (i) Cash.
- (ii) Preference and common shares.
- (iii) Bonds and debentures.
- (iv) Mortgages.
- (v) Real estate held for sale.
- (vi) Real estate held for the production of income.
- (vii) Head office buildings.
- (viii) Agreements for sale.
- (ix) Loans on policies.
- (x) Other invested assets stating their nature.

2. Other assets of the insurer distinguishing severally at least the following:

- (i) Net outstanding premiums due and deferred.
- (ii) Interest and rents due and accrued.
- (iii) Debts owing to the insurer from its shareholders except debts of reasonable amount arising in the ordinary course of the insurer's business that are not overdue having regard to the insurer's ordinary terms of credit.
- (iv) The aggregate amount of any outstanding loans under clauses *c*, *d* and *e* of subsection 2 of section 23.

3. The actuarial liability under insurance and annuity contracts.

4. Bank loans and overdrafts.

5. Provision for unpaid and unreported claims.

6. All other liabilities to policyholders.

7. Debts owing by the insurer on loans from its directors, officers or shareholders.
8. Commissions and other debts owing by the insurer segregating those that arose otherwise than in the ordinary course of business.
9. Deferred income.
10. Liability for taxes.
11. Dividends on capital stock declared but not paid.
12. The authorized capital, giving the number of each class of shares and a brief description of each such class and indicating therein any class of shares which is redeemable and the redemption price thereof.
13. The issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing,
 - (a) the number of shares of each class issued since the date of the last balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration; and
 - (b) where any shares have not been fully paid,
 - (i) the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
 - (ii) the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid.
14. Reserves, as described in clauses *a*, *b* and *c* of subsection 1 of section 217, showing the amounts added thereto and the amounts deducted therefrom during the financial period.
15. The amounts making up the surplus of the insurer severally designated as follows:
 - (i) General surplus.

(ii)

(ii) Shareholders' surplus.

(iii) Other surplus balances indicating their nature.

Notes

(2) Notwithstanding subsection 1, particulars of the items described in items 12 and 13 of subsection 1 may be shown by way of note to the balance sheet.

Idem

(3) The basis of valuation of the invested assets of the insurer shall be shown by way of note to the balance sheet. *New.*

Notes to
financial
statement

215.—(1) There shall be stated by way of note to the financial statement particulars of any change in accounting or actuarial principle or practice or in the method of applying any accounting or actuarial principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the results of operations for the period.

Idem

(2) Where applicable, the following matters shall be referred to in the financial statement or by way of note thereto:

1. The basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed.
2. Foreign currency restrictions that affect the assets of the insurer.
3. Contractual obligations that will require abnormal expenditures in relation to the insurer's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts.
4. Contingent liabilities, stating their nature and, where practicable, the approximate amounts involved.
5. Any liability secured otherwise than by operation of law on any asset of the insurer, stating the liability so secured, but it is not necessary to specify the asset on which the liability is secured.
6. The gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid.
7. Where an insurer has contracted to issue shares or has given an option to purchase shares, the class and

number of shares affected, the price and the date for issue of the shares or exercise of the option.

8. Any restriction by the letters patent, supplementary letters patent or by-laws of the insurer or by contract on the payment of dividends that is significant in the light of the insurer's financial position.

(3) Every note to a financial statement is an integral part ^{Idem} of it. *New.*

216. Notwithstanding sections 212 to 215, it is not necessary to state in a financial statement any matter that in all the ^{Insignificant circumstances} circumstances is of relative insignificance. *New.*

217.—(1) In a financial statement, the term “reserve” ^{Reserves} shall be used to described only,

- (a) amounts appropriated from surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from surplus pursuant to the instrument of incorporation or by-laws of the insurer for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from surplus in accordance with the terms of a contract and which can be restored to the surplus when the conditions of the contract are fulfilled.

(2) Notwithstanding subsection 1, the term “reserve” may ^{Idem} be used to describe the actuarial liability under insurance and annuity contracts. *New.*

218. The report of the auditor of a joint stock insurance ^{Report of auditor of joint stock insurance company} company or a cash-mutual insurance corporation required to be made by subsection 2 of section 82 shall also state,

- (a) that he has audited the books of the corporation and has verified the cash, bank balance and securities;
- (b) in the case of corporations transacting other than life insurance, that he has checked the provision for unearned premiums and that it is calculated as ^{Rev. Stat c. 183} required by *The Insurance Act*;

(c)

- (c) that he has examined the provision for unpaid claims and that in his opinion it is adequate;
- (d) that the balance sheet does not show as assets unpaid balances owing by agents or other insurers in respect of business written prior to the 1st day of October in the next preceding calendar year or bills receivable on account of the same;
- (e) that the financial statement does not include as assets items prohibited by *The Insurance Act* from being shown in the annual statements required to be filed thereunder;
- (f) that, after due consideration, he has formed an independent opinion as to the position of the corporation and that, with his independent opinion so formed, and according to the best of his information and the explanations given to him, he certifies that in his opinion the financial statement is properly drawn up so as to present fairly the financial position of the corporation and the results of its operations for the financial period referred to; and
- (g) that all transactions of the corporation that have come within his notice have been within its powers. R.S.O. 1950, c. 59, s. 301 (1), *amended*.

Delivery of
by-laws to
Superin-
tendent

219. Every insurer shall deliver to the Superintendent within one month after passing thereof, a certified copy of its by-laws and of every repeal or addition to or amendment or consolidation thereof. R.S.O. 1950, c. 59, s. 302.

Balance
sheets and
statements

220. A copy of every balance sheet or other statement published or circulated by an insurer, purporting to show its financial condition, shall be mailed or delivered to the Superintendent, concurrently with its issue to its shareholders or policyholders, or to the general public. R.S.O. 1950, c. 59, s. 303.

Offence

Rev. Stat.,
c. 183

221. Every person who fails to comply with section 218, 219 or 220 shall be deemed to be guilty of an offence under *The Insurance Act*. R.S.O. 1950, c. 59, s. 304.

Directors of
joint stock
insurance
company,
qualifi-
cations

222. Subject to section 223, no person is eligible to become or shall be elected a director of a joint stock insurance company unless he is twenty-one or more years of age and holds in his own name and for his own use and absolutely in his own right shares of the capital stock of the company upon which at least \$1,000 has been paid in and has paid in cash all

calls and instalments due thereon and all liabilities incurred by him to the company. R.S.O. 1950, c. 59, s. 305.

223.—(1) A joint stock life insurance company may, ^{Shareholders' directors; policyholders' directors} by by-law, provide that the affairs of the company shall be managed by a board of directors of whom a specified number, herein called shareholders' directors, shall be elected by the shareholders of the company, and a specified number, herein called policyholders' directors, shall be elected by those persons, herein called participating policyholders, whose lives are insured under a participating policy or participating policies of the company for at least \$2,000 upon which no premiums are due, whether or not any such person is a shareholder of the company.

(2) A by-law passed under subsection 1 shall provide ^{Number of directors; vacancies} for the election of not less than nine nor more than twenty-one directors, of whom not less than one-third shall be policyholders' directors, and any vacancy occurring in the board of directors may be filled for the remainder of the term by the directors.

(3) Participating policyholders shall be entitled to attend ^{Participating policyholders, right to vote} and vote in person and not by proxy at all general meetings of the company, but as such shall not be entitled to vote for the election of shareholders' directors; provided that this section does not confer rights or impose liabilities on such participating policyholders in any liquidation of the company.

(4) Every holder of a participating policy or participating ^{Policyholders' director, qualifications} policies of the company for at least \$4,000 exclusive of bonus additions, upon which no premiums are due, who is not a shareholder and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director.

(5) Every such life insurance company shall have a fixed ^{Annual meeting} time in each year for its annual meeting and such time shall be printed in prominent type on each renewal receipt issued by the company, and in addition to all other notices required to be given by this Act, it shall give fifteen days notice of such meeting in two or more daily newspapers published at or as near as may be to the place where the company has its head office. R.S.O. 1950, c. 59, s. 306.

224. In sections 225 to 236,

^{Interpretation}

(a) "deposit" means the deposit required under section 41 of *The Insurance Act*;

^{Rev. Stat., c. 183}

(b)

- (b) "insured person" means a person who enters into a subsisting contract of insurance with an insurer and includes,
- (i) every person insured by a contract whether named or not,
 - (ii) every person to whom or for whose benefit all or part of the proceeds of a contract of insurance are payable, and
 - (iii) every person entitled to have insurance money applied toward satisfaction of his judgment in accordance with section 214 of *The Insurance Act*;
- (c) "loss" includes the happening of an event or contingency by reason of which a person becomes entitled to a payment under a contract of insurance of money other than a refund of unearned premiums;
- (d) "Minister" means that member of the Executive Council charged for the time being by the Lieutenant-Governor in Council with the administration of *The Insurance Act*;
- (e) "Ontario contract" means a subsisting contract of insurance that,
- (i) has for its subject,
 - 1. property that at the time of the making of the contract is in Ontario or is in transit to or from Ontario, or
 - 2. the life, safety, fidelity or insurable interest of a person who at the time of the making of the contract is resident in Ontario or of an incorporated company that has its head office in Ontario, or
 - (ii) makes provision for payment thereunder primarily to a resident of Ontario or to an incorporated company that has its head office in Ontario;
- (f) "reciprocal deposit" means a deposit of an insurer held pursuant to section 68 or 69 of *The Insurance Act*;

Rev. Stat.,
c. 183

- (g) "reciprocating province" means a province that has been declared to be a reciprocating province pursuant to clause *a* of subsection 1 of section 68 or subsection 1 of section 69 of *The Insurance Act*, with respect to the deposit of a particular insurer. 1951, c. 13, s. 1, *part.* Rev. Stat.,
c. 183

225.—(1) The provisions of Part VII relating to the winding up of corporations apply to insurers incorporated under or subject to this Act except where inconsistent with this Part. Application
of Part VII

(2) Where the company, corporation or society is not constituted exclusively or chiefly for insurance purposes and the insurance branch and fund are completely severable from every other branch and fund of the company, corporation or society, the word "insurer" for the purposes of sections 226 to 239 means only the insurance branch of the company, corporation or society. 1951, c. 13, s. 1, *part.* Interpre-
tation

226.—(1) An insurer incorporated in Ontario may also be wound up by order of the Supreme Court on the application of the Superintendent if the court is satisfied that, Winding up
by order of
court on
application
of Superin-
tendent

- (a) the insurer has failed to exercise its corporate powers during any continuous period of four years; or
- (b) the insurer has not commenced business or gone into actual operation within four years after it was incorporated; or
- (c) the insurer has discontinued business for one year after it has undertaken insurance contracts within the meaning of *The Insurance Act*; or
- (d) the insurer's licence has been suspended for one year or more; or
- (e) the insurer has carried on business or entered into a contract or used its funds in a manner or for a purpose prohibited or not authorized by *The Insurance Act* or by its Act of incorporation or by any special Act applicable thereto; or
- (f) other sufficient cause has been shown.

(2) No such application shall be made by the Superintendent without the approval of the Lieutenant-Governor in Council. Approval of
Lieutenant-
Governor
in Council

Application
of Part VII

(3) Upon the making of an order under this section, the provisions of Part VII relating to the winding up of a corporation, in so far as they are not inconsistent with this Part, apply. 1951, c. 13, s. 1, *part*.

Provisional
liquidator,
appoint-
ment

227.—(1) In the case of an insurer incorporated in Ontario,

(a) if its licence expires and,

(i) the insurer fails to renew within the period limited by *The Insurance Act*, or

(ii) a renewal is refused; or

(b) if its licence is cancelled,

the Minister may appoint a provisional liquidator who shall take charge of the affairs of the company and may direct that it be wound up forthwith under this Act.

powers

(2) Until a permanent liquidator is appointed, the provisional liquidator shall exercise all the powers of the insurer and none of the officers or servants of the insurer shall make any contract for, incur any liability on behalf of, or expend any moneys of, the insurer without the approval of the provisional liquidator.

Petition by
provisional
liquidator
for winding-
up order

(3) The provisional liquidator shall petition the Supreme Court for a winding-up order, and if the court is of the opinion that it is just and equitable so to do, it may make an order winding up the company and thereupon the provisions of this Act relating to the winding up of a corporation, in so far as they are not inconsistent with this Part, apply.

Sale of
business

(4) The provisional liquidator or the liquidator, notwithstanding this Act, but subject to the approval of the Supreme Court, may sell the business and undertaking of the company as a going concern. 1951, c. 13, s. 1, *part*.

Remunera-
tion of
provisional
liquidator

228.—(1) The remuneration to be paid to a provisional liquidator appointed under subsection 1 of section 227 shall be fixed by the Minister.

Payment of
costs of
provisional
liquidator

(2) The remuneration and all expenses and outlay in connection with the appointment of the provisional liquidator, together with all expenses and outlay of the provisional liquidator while he acts in that capacity, shall be borne and paid by the insurer and shall form a first lien or charge upon the assets of the insurer other than the deposit unless otherwise directed pursuant to subsection 3.

(3) The Minister in his discretion may direct that the remuneration, expenses and outlay shall be paid out of the proceeds of the deposit made by the insurer, and in that case the amount directed to be paid has the same priority as the expenses of the receiver administering the deposit as fixed by clause *a* of section 58 of *The Insurance Act*. 1951, c. 13, s. 1, *part.*

Payment of cost of provisional liquidator out of deposit
Rev. Stat. c. 183

229.—(1) When an insurer incorporated under or subject to the law of Ontario proposes to cease writing insurance or to call a general meeting to consider a resolution for the voluntary liquidation of the insurer under this Act, it shall give at least one month's notice in writing thereof to the superintendent of insurance of each province in which the insurer is licensed.

Notice of intention to cease writing insurance or to consider voluntary liquidation

(2) When an insurer has passed a resolution for voluntary winding up, the insurer shall notify the Superintendent thereof and of the date on which contracts of insurance will cease to be entered into by the insurer and of the name and address of its liquidator.

Notice to Superintendent of voluntary winding up

(3) The notice under subsection 2 shall also be published by the insurer in two consecutive issues of *The Ontario Gazette* and the official gazette of each other province in which the insurer is licensed and in such newspapers and other publications as the Superintendent may require. 1951, c. 13, s. 1, *part.*

Publication of notice

230.—(1) The provisional liquidator or the liquidator, before any order granting administration of the deposit and before the fixing of a termination date pursuant to section 232, may arrange for the reinsurance of the subsisting contracts of insurance of the insurer with some other insurer licensed in Ontario.

Reinsurance

(2) For the purpose of securing the reinsurance, the following funds shall be available:

Funds available for reinsurance

1. The entire assets of the insurer in Ontario other than the deposit except the amount reasonably estimated by the provisional liquidator or the liquidator as being required to pay,
 - (i) the costs of the liquidation or winding up,
 - (ii) all claims for losses covered by the insurer's contracts of insurance of which notice has been received by the insurer or provisional liquidator or liquidator before the date on which the reinsurance is effected,

(iii)

- (iii) the claims of the preferred creditors who are the persons paid in priority to other creditors under the winding up provisions of this Act,

all of which shall be a first charge on the assets of the insurer other than the deposit.

2. All or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3.

Agreement
for use of
deposit for
reinsurance

(3) If it appears necessary or desirable to secure reinsurance for the protection of insured persons entitled to share in the proceeds of the deposit, the Minister, on the recommendation of the Superintendent, or in the case of a reciprocal deposit the superintendents of insurance of the reciprocating provinces, may enter into an agreement with the provisional liquidator or the liquidator, whereby, pursuant to section 47 or 69a of *The Insurance Act*, all or any part of the securities in the deposit may be used for the purpose of securing the reinsurance.

Rev. Stat.,
c. 183

Payments
to creditors
other than
preferred
creditors

(4) The creditors of the insurer, other than the insured persons and the said preferred creditors, shall be entitled to receive a payment on their claims only if provision has been made for the payments mentioned in subsection 2 and for the reinsurance.

Reinsurance
of part of
contracts

(5) If, after providing for the payments mentioned in subsection 2, the balance of the assets of the insurer, together with all or such portion, if any, of the deposit as may be agreed upon pursuant to subsection 3, is insufficient to secure the reinsurance of the contracts of the insured persons in full, the reinsurance may be effected for such portion of the full amount of the contracts as may be possible.

Approval

(6) No contract of reinsurance shall be entered into under this section until it is approved by the Supreme Court. 1951, c. 13, s. 1, *part*.

Transfer of
deposit from
receiver to
provisional
liquidator or
liquidator

Rev. Stat.,
c. 183

R.S.C. 1927,
c. 213

231.—(1) In the winding up of an insurer that has made a deposit pursuant to *The Insurance Act*, if the person appointed as receiver to administer the deposit pursuant to section 52 of *The Insurance Act* is not the person appointed as the provisional liquidator or the liquidator under *The Insurance Act* or this Act or appointed as the liquidator under the *Winding-up Act* (Canada), as the case may be, the Supreme Court at any time in its discretion may order that the deposit and the administration thereof be transferred from the receiver to the provisional liquidator or the liquidator.

(2) Upon the making of an order pursuant to subsection 1, Administration of deposit the provisional liquidator or the liquidator shall administer the deposit for the benefit of the persons entitled to share in the proceeds thereof in accordance with the provisions of and the priorities set out in this Act.

(3) The amount payable to the provisional liquidator or Costs of administration of deposit the liquidator for administering the deposit and all costs and expenses incurred by him in administering the deposit shall be paid out of the deposit in accordance with the priorities fixed by clause *a* of section 58 of *The Insurance Act*, but the Rev. Stat., c. 183 amount payable to the provisional liquidator or the liquidator and all costs and expenses incurred by him in the winding up of the insurer shall not be paid out of the deposit but shall be paid out of and shall be a first charge on the assets of the insurer except as provided in subsection 3 of section 228. 1951, c. 13, s. 1, *part*.

232.—(1) If the provisional liquidator or the liquidator Termination date, where reinsurance not arranged fails to secure reinsurance, or if in his opinion it is impracticable or inexpedient to arrange for reinsurance, he,

- (a) with the approval of the Supreme Court and subject to such terms as may be prescribed by it; and
- (b) for the purpose of securing the payment of existing claims and avoiding further losses,

may publish a notice fixing a termination date for the subsisting contracts of insurance of such insurer, and on and after that date coverage and protection under the Ontario contracts cease and the insurer is not liable under any such contract for a loss that occurs after that date.

(2) Where a provisional liquidator or a liquidator has been appointed in another province to wind up an insurer incorporated in that province, and if such provisional liquidator or liquidator fixed a termination date for the contracts of insurance of the insurer, on and after that date coverage and protection under the Ontario contracts cease and determine and the insurer is not liable under any such contract for a loss that occurs after that date. Termination of Ontario contracts, where termination date fixed in another province

(3) Where a receiver administering a deposit has fixed a Where termination date fixed by receiver termination date pursuant to section 53 of *The Insurance Act*, the termination date fixed pursuant to this section applies only to those contracts of insurance not already terminated on the date fixed by the receiver. 1951, c. 13, s. 1, *part*.

233. The provisional liquidator or the liquidator shall cause the notice, Publication of notice of termination date

(a)

- (a) to be published in *The Ontario Gazette* and in the official gazette of each other province in which the insurer is licensed and in such newspapers as the Supreme Court may direct in order to give reasonable notice of the termination date so fixed; and
- (b) to be mailed to each policyholder at his address as shown on the books and records of the company. 1951, c. 13, s. 1, *part.*

Payment of
claims for
losses and
preferred
claims, etc.

234.—(1) The liquidator shall pay or set aside from the assets of the insurer sums in his opinion sufficient to pay,

- (a) the costs of the liquidation or winding up;
- (b) all claims for losses covered by the insurer's contracts of insurance that occurred before the termination date fixed pursuant to section 53 of *The Insurance Act* or section 232 of this Act and that have not been paid or provided for in the administration of the deposit and of which notice has been received by the insurer or the liquidator;
- (c) the full amount of the legal reserve in respect of each unexpired life insurance contract;
- (d) the claims of preferred creditors who are the persons paid in priority to other creditors under the winding-up provisions of this Act.

Rev. Stat.,
c. 183

Refund of
unearned
premiums

(2) Except in the case of life insurance, the assets remaining after payment or making provision for payment of the amounts mentioned in subsection 1 shall be used to pay the claims of the insured persons for refunds of unearned premiums on a *pro rata* basis in proportion to the periods of their contracts respectively unexpired on the termination dates to the extent that those claims have not been paid or provided for in the administration of the deposit.

Calculation
of unearned
premium
claims

(3) The claims of the insured persons for refunds of unearned premiums shall be calculated,

- (a) as at the termination date fixed pursuant to section 53 of *The Insurance Act* or section 232 of this Act; or
- (b) as at the date the insured person cancelled the contract,

whichever date is the earlier.

(4) The refund of all or any portion of the premium does not destroy or defeat any other remedy the insured person may have against the insurer in respect thereof or for any other cause. Effect of refund

(5) Nothing in this section prejudices or affects the priority of any mortgage, lien or charge upon the property of the insurer. 1951, c. 13, s. 1, *part*. Effect of section

235. The fees, taxes and costs payable by the insurer to each province shall be paid out of the assets of the insurer remaining after the reinsurance of the subsisting contracts of insurance of the insurer or after the payment of the claims of policyholders for refund of unearned premiums, as the case may be, and the balance shall be distributed among the creditors of the insurer other than the insured persons, preferred creditors and the several provinces. 1951, c. 13, s. 1, *part*. Payment of provincial fees and taxes, etc.

236.—(1) Unless otherwise ordered by the Supreme Court, within seven days after the close of each period of three months and until the affairs of the insurer are wound up and the accounts are finally closed, the liquidator shall file with the court or other authority appointing him and also with the Superintendent detailed schedules, in such form as may be required, showing, Filing of statements by liquidator

(a) receipts and expenditures; and

(b) assets and liabilities.

(2) The liquidator, whenever he is required so to do by the authority appointing him or by the Minister, shall exhibit the office books and vouchers and furnish such other information respecting the affairs of the insurer as may be required. Production of books, etc., by liquidator

(3) Every liquidator refusing or neglecting to furnish such information is guilty of an offence and on summary conviction is liable for each offence to a penalty of not less than \$50 and not more than \$200 and in addition is liable to be dismissed or removed. 1951, c. 13, s. 1, *part*. Offence and penalty

237.—(1) Where a fraternal society transacts endowment or expectancy insurance and has an endowment fund separate and distinct from its life insurance fund, the society may, by resolution duly passed at a general meeting, ordinary or special, after at least one month's notice of such intended resolution, determine that the endowment or expectancy shall be discontinued, and that the endowment or expectancy fund shall be distributed *pro rata* among the members then in good standing who are contributing to such fund according to the total contribution of such member. Distribution of endowment and expectancy funds

Procedure

(2) After the resolution has been assented to by the Superintendent and filed with the Provincial Secretary, the executive officers may proceed to ascertain the persons intended to rank upon the fund and may distribute the fund among those so entitled and such distribution discharges the society and all executive officers thereof from all further or other liability in respect of such fund and of the endowment or expectancy contracts undertaken by the society.

Merger of funds

(3) If all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, the general meeting, instead of determining to distribute the endowment or expectancy fund, may determine to convert it into or merge it in a life insurance fund, and after the resolution has been assented to and filed as provided in subsection 2 the endowment or expectancy fund becomes a life insurance fund. 1951, c. 13, s. 1, *part*.

Extension of licence

Rev. Stat.,
c. 183

238. Notwithstanding anything in this Act or in *The Insurance Act*, where an insurer is being wound up voluntarily the Superintendent may renew or extend the licence of the insurer for the purpose of its winding up. 1951, c. 13, s. 1, *part*.

Books, etc., as evidence

239. The books, accounts and documents of an insurer and the entries in the books of its officers or liquidators are *prima facie* evidence of the matters to which they relate as between an alleged debtor or contributory and the insurer. 1951, c. 13, s. 1, *part*.

PART VII

WINDING UP

Inter-pretation

240. In this Part, "contributory" means a person who is liable to contribute to the property of a corporation in the event of the corporation being wound up under this Part. *New*.

Application

241. This Part applies,

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Upper Canada;
- (b) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects or purposes to which the authority of the Legislature extends;

(c)

(c) to every corporation incorporated by or under a general or special Act of this Legislature;

(d) to every insurer within the meaning of Part VI that is incorporated under or subject to this Act except where inconsistent with Part VI;

but this Part does not apply to any corporation incorporated for the construction and working of a railway, incline railway or a street railway, or to any corporation within the meaning of *The Loan and Trust Corporations Act* except as provided by that Act. *New.* Rev. Stat.,
c. 214

242.—(1) Where the shareholders or members of a corporation by a majority of the votes cast at a general meeting called for that purpose pass a resolution requiring the corporation to be wound up, the corporation may be wound up voluntarily. *R.S.O. 1950, c. 59, s. 174, amended.* Voluntary
winding up

(2) At such meeting the shareholders or members shall appoint one or more persons, who may be directors, officers or employees of the corporation, as liquidator of the estate and effects of the corporation for the purpose of winding up its affairs and distributing its property and may at that or any subsequent general meeting fix his remuneration and the costs, charges and expenses of the winding up. *R.S.O. 1950, c. 59, s. 179, cl. (c), amended.* Appoint-
ment of
liquidator

243.—(1) Notice of any resolution requiring the voluntary winding up of a corporation shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within ten days after the resolution has been passed. *R.S.O. 1950, c. 59, s. 177, amended.* Publica-
tion of
notice of
winding up

(2) Every corporation that fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 and every director or officer who authorizes, permits or acquiesces in such failure is guilty of an offence and on summary conviction is liable to a like penalty. *New.* Offence
and penalty

244. A corporation being wound up voluntarily may, in general meeting, by resolution, delegate to any committee of its shareholders or members, contributories or creditors, hereinafter referred to as inspectors, the power of appointing the liquidator and filling any vacancy in the office of liquidator, or may by a like resolution enter into any arrangement with its creditors with respect to the powers to be exercised by the liquidator and the manner in which they are to be exercised. *R.S.O. 1950, c. 59, s. 182, amended.* Inspectors

Vacancy in
office of
liquidator

245. If in a voluntary winding up a vacancy occurs in the office of liquidator by death, resignation or otherwise, the shareholders or members in general meeting may, subject to any arrangement the corporation may have entered into with its creditors upon the appointment of inspectors, fill such vacancy, and a general meeting for that purpose may be convened by the continuing liquidator, if any, or by any contributory, and shall be deemed to have been duly held if called in the manner prescribed by the by-laws of the corporation, or, in default thereof, in the manner prescribed by this Act for calling general meetings of the shareholders or members of the corporation. R.S.O. 1950, c. 59, s. 185.

Removal of
liquidator

246. The shareholders or members of the corporation may by a majority of the votes cast at a general meeting called for that purpose remove a liquidator appointed under section 242 or 244 and in such case shall appoint another liquidator in his stead. *New.*

Commence-
ment of
winding up

247. A voluntary winding up commences at the time of the passing of the resolution requiring the winding up. R.S.O. 1950, c. 59, s. 175.

Corporation
to cease
business

248. Where a corporation is being wound up voluntarily, it shall, from the date of the commencement of such winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidator, or alterations in the status of the shareholders or members of the corporation, taking place after the commencement of such winding up, are void; but its corporate existence and all its corporate powers, notwithstanding that it is otherwise provided by its instrument of incorporation or by-laws, continue until the affairs of the corporation are wound up. R.S.O. 1950, c. 59, s. 176.

No proceed-
ings against
corporation
after
voluntary
winding up
except by
leave

249. After the commencement of a voluntary winding up,

- (a) no action or other proceeding shall be commenced against the corporation; and
- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1950, c. 59, s. 178 (1), *part, amended.*

Settlement
of list of
contributor-
ies;

250. Upon a voluntary winding up,

- (a) the liquidator shall settle the list of contributories, and any list so settled is *prima facie* evidence of

the

the liability of the persons named therein to be contributories;

- (b) the liquidator may before he has ascertained the sufficiency of the property of the corporation, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability to pay any sum that he deems necessary to satisfy the liabilities of the corporation, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, and the liquidator may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made may partly or wholly fail to pay their respective portions of the call. R.S.O. 1950, c. 59, s. 179, cls. (g, h).

251.—(1) The liquidator may during the continuance of the voluntary winding up call general meetings of the shareholders or members of the corporation for the purpose of obtaining the sanction of the corporation by resolution or for any other purpose he thinks fit.

(2) In the event of a voluntary winding up continuing for more than one year, the liquidator shall call a general meeting of the shareholders or members of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and shall lay before such meeting an account showing his acts and dealings and the manner in which the winding up has been conducted during the preceding year. R.S.O. 1950, c. 59, s. 184.

252. The liquidator, with the sanction of a resolution of the shareholders or members of the corporation passed in general meeting or of the inspectors, may make such compromise or other arrangement as the liquidator deems expedient with any creditor or person claiming to be a creditor or having or alleging that he has a claim, present or future, certain or contingent, ascertained or sounding only in damages, against the corporation or whereby the corporation may be rendered liable. R.S.O. 1950, c. 59, s. 187.

253. The liquidator may, with the like sanction, compromise all calls and liabilities to call, debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the corporation and any contributory, alleged contributory or

other debtor or person apprehending liability to the corporation and all questions in any way relating to or affecting the property of the corporation, or the winding up of the corporation, upon the receipt of such sums payable at such times and generally upon such terms as may be agreed upon, and the liquidator may take any security for the discharge of such calls, debts or liabilities and give a complete discharge in respect thereof. R.S.O. 1950, c. 59, s. 188.

Power to accept shares, etc., as consideration for sale of property to another company

254.—(1) Where a corporation is proposed to be or is in the course of being wound up voluntarily and the whole or a portion of its business or property is proposed to be transferred or sold to another corporation, the liquidator of the first-mentioned corporation, with the sanction of a resolution of the shareholders or members passed in general meeting of the corporation by which he was appointed conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, cash or shares or other like interest in the purchasing corporation for the purpose of distribution among the shareholders or members of the corporation that is being wound up in the manner set forth in the arrangement, or may, in lieu of receiving cash or shares or other like interest, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation. R.S.O. 1950, c. 59, s. 189 (1).

Confirmation of sale or arrangement

(2) A sale made or arrangement entered into by the liquidator under this section is binding on the shareholders or members of the corporation that is being wound up voluntarily if,

- (a) in the case of a company, the shareholders or classes of shareholders, as the case may be, at a general meeting duly called for the purpose, by votes representing at least three-fourths of the shares or of each class of shares represented at such meeting; or
- (b) in the case of a corporation without share capital, the members or classes of members, as the case may be, at a general meeting duly called for the purpose, by votes representing at least three-fourths of the members or of each class of members represented at such meeting,

approve such sale or arrangement and if such sale or arrangement is approved by an order made by the court on the application of the corporation. R.S.O. 1950, c. 59, s. 189 (2), *amended*.

Resolution not invalid because prior to resolution to wind up

(3) No resolution shall be deemed invalid for the purposes of this section because it was passed before or concurrently

with

with a resolution for winding up the corporation or for appointing the liquidator. R.S.O. 1950, c. 59, s. 189 (3).

255. A corporation may be wound up by order of the court, ^{Winding up by court}

- (a) where the shareholders or members by a majority of the votes cast at a general meeting called for that purpose pass a resolution authorizing an application to be made to the court to wind up the corporation;
- (b) where proceedings have been begun to wind up voluntarily and it appears to the court that it is in the interest of contributories and creditors that such proceedings should be continued under the supervision of the court;
- (c) where it is proved to the satisfaction of the court that the corporation, though it may be solvent, cannot by reason of its liabilities continue its business and that it is advisable to wind it up; or
- (d) where in the opinion of the court it is just and equitable for some reason other than the bankruptcy or insolvency of the corporation that it should be wound up. R.S.O. 1950, c. 59, s. 192, *amended*.

256.—(1) The winding-up order may be made upon the application of the corporation or of a shareholder or of a member or, where the corporation is being wound up voluntarily, of the liquidator or of a contributory or of a creditor having a claim of \$200 or more. R.S.O. 1950, c. 59, s. 193 (1), *amended*. ^{Who may apply}

(2) Except where the application is made by the corporation, four days notice of the application shall be given to the corporation before the making of the application. R.S.O. 1950, c. 59, s. 193 (2). ^{Notice}

257. The court may make the order applied for, may dismiss the application with or without costs, may adjourn the hearing conditionally or unconditionally or may make any interim or other order as is deemed just, and upon the making of the order may, according to its practice and procedure, refer the proceedings for the winding up and may also delegate any powers of the court conferred by this Act to any officer of the court. R.S.O. 1950, c. 59, s. 195. ^{Power of court}

258.—(1) The court in making the winding-up order may appoint one or more persons as liquidator of the estate and effects of the corporation for the purpose of winding up its affairs and distributing its property. ^{Appointment of liquidator}

**Remuner-
ation**

(2) The court may at any time fix the remuneration of the liquidator. R.S.O. 1950, c. 59, s. 196, *amended*.

Vacancy

(3) If a liquidator appointed by the court dies or resigns or the office becomes vacant for any reason, the court may by order fill the vacancy. *New*.

**Removal of
liquidator**

(4) The court may by order remove for cause a liquidator appointed by it and in such case shall appoint another liquidator in his stead. R.S.O. 1950, c. 59, s. 197 (2), *amended*.

**Costs and
expenses**

259. The costs, charges and expenses of a winding up by order of the court shall be taxed by a taxing officer of the Supreme Court at Toronto. R.S.O. 1950, c. 59, s. 180, *part, amended*.

**Commence-
ment of
winding up**

260. Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding up shall be deemed to commence at the time of service of notice of the application, and where the application is made by the corporation, at the time the application is made. R.S.O. 1950, c. 59, s. 194, *amended*.

**Proceedings
in winding
up after
order**

261. Where a winding-up order has been made by the court, proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as provided for a voluntary winding up, except that the list of contributories shall be settled by the court unless it has been settled by the liquidator prior to the winding-up order, in which case such list is subject to review by the court, and except that all proceedings in the winding up are subject to the order and direction of the court. R.S.O. 1950, c. 59, s. 198.

**Meetings of
members of
company
may be
ordered**

262.—(1) Where a winding-up order has been made by the court, the court may direct meetings of the shareholders or members of the corporation to be called, held and conducted in such manner as the court deems fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting and to report the result of it to the court.

**Order for
delivery by
contributor-
ies and
others of
property,
etc.**

(2) Where a winding-up order has been made by the court, the court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker or agent or officer of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to the liquidator any sum or balance, books, papers, estate or effects that are in his hands and to which the corporation is *prima facie* entitled.

(3) Where a winding-up order has been made by the court, the court may make an order for the inspection of the books and papers of the corporation by its creditors and contributories, and any books and papers in the possession of the corporation may be inspected in conformity with such order. R.S.O. 1950, c. 59, s. 199.

263. After the commencement of a winding up by order of the court,

- (a) no action or other proceeding shall be proceeded with or commenced against the corporation; and
- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1950, c. 59, s. 178 (1), *part*.

264. Sections 265 to 277 and 280 apply to corporations being wound up voluntarily or by order of the court. *New.*

265.—(1) If from any cause there is no liquidator, the court may by order on the application of a shareholder or member of the corporation appoint one or more persons as liquidator. R.S.O. 1950, c. 59, s. 197 (1), *amended*.

(2) Where there is no liquidator, the estate and effects of the corporation shall be under the control of the court until the appointment of a liquidator. R.S.O. 1950, c. 59, s. 197 (3).

266.—(1) Upon a winding up,

- (a) the liquidator shall apply the property of the corporation in satisfaction of all its liabilities *pari passu* and, subject thereto, shall distribute the property rateably among the shareholders or members according to their rights and interests in the corporation;
- (b) in distributing the property of the corporation, the wages of all clerks, labourers, servants, apprentices and other wage earners in the employment of the corporation due at the date of the commencement of the winding up or within one month before, not exceeding three months wages and for vacation pay accrued for not more than twelve months under *The Hours of Work and Vacations with Pay Act* and the regulations thereunder or under any collective agreement made by the corporation, shall be paid in priority to the claims of the ordinary creditors, and such persons shall be entitled to rank as ordinary creditors for the residue of their claims;

(c)

powers of
directors
to cease

- (c) all the powers of the directors cease upon the appointment of a liquidator, except in so far as the liquidator may sanction the continuance of such powers. R.S.O. 1950, c. 59, s. 179, *part, amended*.

Distribution
of property
Rev. Stat.,
c. 400

- (2) Section 51 of *The Trustee Act* applies *mutatis mutandis* to liquidators. R.S.O. 1950, c. 59, s. 186.

Payment of
costs and
expenses

- 267.** The costs, charges and expenses of a winding up, including the remuneration of the liquidator, shall be payable out of the property of the corporation in priority to all other claims. R.S.O. 1950, c. 59, s. 180, *part*.

Powers of
liquidators
to,

- 268.—**(1) The liquidator may,

bring or
defend
actions

- (a) bring or defend any action, suit or prosecution, or other legal proceedings, civil or criminal, in the name and on behalf of the corporation;

carry on
business of
corporation

- (b) carry on the business of the corporation so far as may be necessary for the beneficial winding up of the corporation;

sell by
public
auction or
private
contract

- (c) sell *en bloc* or in parcels the real and personal property, effects and things in action of the corporation by public auction or private sale;

execute
deeds, etc.

- (d) do all acts and execute, in the name and on behalf of the corporation, all deeds, receipts and other documents, and for that purpose use the seal of the corporation;

draw and
endorse
promissory
notes, etc.

- (e) draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the corporation;

raise sums
necessary

- (f) raise upon the security of the property of the corporation any requisite money;

take out
letters of
administration,
etc.

- (g) take out in his official name letters of administration to the estate of any deceased contributory and do in his official name any other act that may be necessary for obtaining payment of any money due from a contributory or from his estate and which act cannot be done conveniently in the name of the corporation;

do all other
things
necessary

- (h) do and execute all such other things as may be necessary for winding up the affairs of the corporation and distributing its property.

(2) The drawing, accepting, making or endorsing of a bill of exchange or promissory note by the liquidator on behalf of the corporation has the same effect with respect to the liability of the corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such corporation in the course of carrying on the business thereof.

Bills of exchange, etc., to be deemed drawn in due course

(3) Where the liquidator takes out letters of administration or otherwise uses his official name for obtaining payment of any money due from a contributory, such money shall be deemed, for the purpose of enabling him to take out such letters or recover such money, to be due to the liquidator himself. R.S.O. 1950, c. 59, s. 181.

Where moneys deemed to be due to liquidator

269. The liability of a contributory creates a debt accruing due from him at the time when his liability commenced, but payable at the time or respective times when calls are made for enforcing such liability. R.S.O. 1950, c. 59, s. 172.

Nature of liability of contributory

270. If a contributory dies before or after he has been placed on the list of contributories, his legal representatives are liable in due course of administration to contribute to the property of the corporation in discharge of the liability of such deceased contributory and shall be contributories accordingly. R.S.O. 1950, c. 59, s. 173, *amended*.

Who liable in case of his death

271.—(1) The liquidator shall deposit in a chartered bank in Ontario all sums of money that he has belonging to the corporation if such sums amount to \$100 or more. R.S.O. 1950, c. 59, s. 183 (1), *amended*.

Deposit in bank by liquidator

(2) If inspectors have been appointed, the bank shall be one approved by them.

Approval of bank by inspectors

(3) Such deposit shall not be made in the name of the liquidator individually, but a separate deposit account shall be kept of the money belonging to the corporation in his name as liquidator of the corporation and in the name of the inspectors, if any, and such money shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if any.

Separate deposit account to be kept; withdrawal from account

(4) At every meeting of the shareholders or members of the corporation the liquidator shall produce a pass-book or statement of account showing the amount of the deposits, the dates at which they were made, the amounts withdrawn and dates of withdrawal, and mention of such production shall be made in the minutes of the meeting, and the absence of such mention is *prima facie* evidence that the pass-book or statement of account was not produced at the meeting.

Liquidators to produce bank pass-book

Idem

(5) The liquidator shall also produce the pass-book or statement of account whenever so ordered by the court upon the application of the inspectors, if any, or of a shareholder or member of the corporation. R.S.O. 1950, c. 59, s. 183 (2-5).

Proving claim

Rev. Stat., c. 26

272. For the purpose of proving claims, sections 25, 26 and 27 of *The Assignments and Preferences Act* apply *mutatis mutandis* except that where the word "judge" is used therein the word "court" as used in this Act shall be substituted. R.S.O. 1950, c. 59, s. 190, *amended*.

Application for direction

273. Upon the application of the liquidator or of the inspectors, if any, or of any creditors, the court, after hearing such parties as it directs to be notified or after such steps as it may prescribe have been taken, may by order give its direction in any matter arising in the winding up. R.S.O. 1950, c. 59, s. 191, *amended*.

Examination of persons as to estate

274.—(1) The court may at any time after the commencement of the winding up summon to appear before the court or liquidator any director or officer of the corporation or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or alleged to be indebted to it, or any person whom the court deems capable of giving information concerning its trade, dealings, estate or effects. R.S.O. 1950, c. 59, s. 200 (1), *amended*.

Power of court to assess damages against delinquent directors, etc.

(2) Where in the course of the winding up it appears that any person who has taken part in the formation or promotion of the corporation or that any past or present director or officer, employee, liquidator or receiver of the corporation has misapplied or retained in his own hands, or become liable or accountable for, money of the corporation, or has committed any misfeasance or breach of trust in relation to it, the court may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and order him to repay the money so misapplied or retained, or for which he has become liable or accountable, together with interest at such rate as the court deems just, or to contribute such sum to the property of the corporation by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust as the court deems just. R.S.O. 1950, c. 59, s. 200 (2), *amended*.

Proceedings by shareholders at their own expense and for their own benefit only

275.—(1) If a shareholder or member of the corporation desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the shareholders or members, or of the inspectors, if any, refuses or neglects to take such

proceeding

proceeding after being required so to do, the shareholder or member may obtain an order of the court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator or corporation as the court prescribes.

(2) Thereupon any benefit derived from such proceeding belongs exclusively to the shareholder or member instituting the proceeding for his benefit and that of any other shareholder or member who may have joined him in causing the institution of the proceeding. Benefits, when exclusively for shareholders

(3) If before such order is granted the liquidator signifies to the court his readiness to institute such proceeding for the benefit of the corporation, an order shall be made prescribing the time within which he is to do so, and in that case the advantage derived from the proceeding, if instituted within such time, belongs to the corporation. R.S.O. 1950, c. 59, s. 201. when for corporation

276. The rights conferred by this Act are in addition to any other right of instituting proceedings against any contributory, or against any debtor of the corporation, for the recovery of any call or other sum due from such contributory or debtor or his estate. R.S.O. 1950, c. 59, s. 202. Rights conferred by Act to be in addition to other powers

277. At any time during a winding up, the court, upon the application of any shareholder or member or creditor or contributory and upon proof to its satisfaction that all proceedings in relation to the winding up ought to be stayed, may make an order staying the proceedings altogether or for a limited time on such terms and subject to such conditions as the court deems fit. R.S.O. 1950, c. 59, s. 203, *amended*. Stay of winding-up proceedings

278.—(1) Where the affairs of the corporation have been fully wound up voluntarily, the liquidator shall make up an account showing the manner in which the winding up has been conducted, and the property of the corporation disposed of, and thereupon shall call a general meeting of the shareholders or members of the corporation for the purpose of having the account laid before them and hearing any explanation that may be given by the liquidator, and the meeting shall be called in the manner provided by the by-laws for calling general meetings. Account of voluntary winding up to be made by liquidator to a general meeting

(2) The liquidator shall within ten days after the holding of the meeting file a notice with the Provincial Secretary stating that the meeting was held and the date thereof. Notice of holding of meeting

Dissolution (3) On the expiration of three months from the date of the filing of the notice the corporation shall be *ipso facto* dissolved. R.S.O. 1950, c. 59, s. 207.

Extension (4) At any time during the three-month period mentioned in subsection 3 the court may, on the application of the liquidator or any other person interested, make an order deferring the date on which the dissolution of the corporation is to take effect to a date fixed in the order and in such event the corporation shall be *ipso facto* dissolved on the date so fixed.

Copy of extension order to be filed (5) The person on whose application the order was made shall within ten days after the making thereof file with the Provincial Secretary a copy of such order certified under the seal of the court.

Offence and penalty (6) Every person who fails to comply with any requirement of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. *New.*

Order for dissolution **279.**—(1) Notwithstanding section 278 in the case of a voluntary winding up or in the case of a winding up by order of the court, the court at any time after the affairs of the corporation have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving the corporation, and the corporation shall be dissolved at and from the date of such order. R.S.O. 1950, c. 59, s. 208 (1), *amended.*

Copy of dissolution order to be filed (2) The person on whose application the order was made shall within ten days after the making thereof file with the Provincial Secretary a copy of such order certified under the seal of the court.

Offence and penalty (3) Every person who fails to comply with any requirement of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. *New.*

Where shareholder unknown **280.**—(1) Where the liquidator is unable to distribute rateably the property of the corporation among the shareholders or members because a shareholder or member is unknown or his whereabouts is unknown, the share of the property of the corporation of such shareholder or member may, by agreement with the Public Trustee, be delivered or conveyed by the liquidator to the Public Trustee to be held in trust for the shareholder or member and thereupon subsections 5 and 6 of section 326 apply thereto. R.S.O. 1950, c. 59, s. 209, *amended.*

Idem (2) A delivery or conveyance under subsection 1 shall be deemed to be a rateable distribution among the shareholders or members for the purposes of clause *a* of subsection 1 of section 266.

(3) Where the liquidator is unable to pay all the debts of the corporation because a creditor is unknown or his whereabouts is unknown, the liquidator may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor and thereupon subsections 5 and 6 of section 326 apply thereto. Where creditor unknown

(4) A payment under subsection 3 shall be deemed to be in satisfaction of the debt for the purposes of clause *a* of subsection 1 of section 266. *New.* Idem

281.—(1) Where a corporation has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the corporation and of the liquidator may be disposed of as the corporation by resolution directs in case of voluntary winding up or as the court directs in case of winding up under order. Disposal of books, etc., after winding up

(2) After the lapse of five years from the date of the dissolution of the corporation, no responsibility rests on the corporation or the liquidator, or anyone to whom the custody of such books, accounts and documents has been committed by reason that the same or any of them are not forthcoming to any person claiming to be interested therein. R.S.O. 1950, c. 59, s. 210 (3, 4). After five years, responsibility as to custody of books, etc., to cease

282.—(1) Where a corporation is being wound up under an order of the court and the realization and distribution of its property has proceeded so far that in the opinion of the court it is expedient that the liquidator should be discharged and that the property of the corporation remaining in his hands can be better realized and distributed by the court, the court may make an order discharging the liquidator and for payment, delivery and transfer into court, or to such officer or person as the court may direct, of such property, and the same shall be realized and distributed by or under the direction of the court among the persons entitled thereto in the same way as nearly as may be as if the distribution were being made by the liquidator. Provision for discharge of liquidator and distribution by the court

(2) In such case the court may make an order directing how the books, accounts and documents of the corporation and of the liquidator are to be disposed of, and may order that they be deposited in court or otherwise dealt with as it may think fit. R.S.O. 1950, c. 59, s. 211. Disposal of books and documents

283. The Lieutenant-Governor in Council may make rules for the due carrying out of the provisions of this Part, and, except as otherwise provided by this Act or by such rules, the practice and procedure in a winding up under the *Winding-up Act* (Canada) apply. R.S.O. 1950, c. 59, s. 206. Rules of procedure

R.S.C. 1927, c. 213

PART VIII

CORPORATIONS, GENERAL

Application **284.** This Part, except where it is otherwise expressly provided, applies,

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the late Province of Upper Canada;
- (b) to every corporation incorporated by or under any general or special Act of the Parliament of the late Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
- (c) to every corporation incorporated by or under a general or special Act of the Legislature;

Rev. Stat.,
c. 214 but this Part does not apply to any corporation incorporated for the construction and working of a railway, an incline railway or a street railway, or to any corporation within the meaning of *The Loan and Trust Corporations Act* except as provided by that Act. *New.*

Incorporation subject
to trusts **285.** Every corporation shall, upon its incorporation, be invested with all the property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation. R.S.O. 1950, c. 59, s. 24 (2).

General
corporate
powers **286.** Every corporation, unless otherwise expressly provided in the Act or instrument creating it, has and shall be deemed to have had from its creation, the capacity of a natural person and may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force, where the powers are sought to be exercised, permit, and to accept extra-provincial powers and rights. *New.*

Incidental
powers **287.** Every corporation has power,

- (a) to construct, maintain and alter any buildings or works necessary or convenient for its purposes;
- (b) to acquire by purchase, lease or otherwise and to hold any land or interest therein necessary for its actual use and occupation or for carrying on its undertaking, and when no longer so necessary, to sell, alienate and convey the same. R.S.O. 1950, c. 59, s. 24 (1), *amended.*

288.—(1) No corporation and no trustee on its behalf shall acquire or hold any land or interest therein not necessary for the actual use and occupation of the corporation or for carrying on its undertaking or not held by way of security for more than seven years after its acquisition if the land was never so necessary or after it has ceased to be so necessary. Restrictions on holding land

(2) The Lieutenant-Governor in Council may extend the period of seven years mentioned in subsection 1, but no such extension or extensions shall exceed five years in all. R.S.O. 1950, c. 59, s. 25 (1, 3), *amended*. Extension of period

(3) A corporation shall give to the Provincial Secretary when required a full and correct statement of all lands or interest therein at the date of such statement held by or in trust for the corporation. R.S.O. 1950, c. 59, s. 25 (4). Statement as to land held

289.—(1) Subject to subsection 2, a corporation shall at all times have its head office in the place within Ontario where the letters patent provide that the head office is to be situate. Head office

(2) A corporation may by special resolution change the location of its head office to another place within Ontario. Change of head office

(3) Notice of the special resolution shall be filed with the Provincial Secretary and published in *The Ontario Gazette* by the corporation within ten days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution. Filing and publication

(4) Every corporation that fails to comply with subsection 3 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200 and every director or officer of the corporation who authorizes, permits or acquiesces in such failure is guilty of an offence and on summary conviction is liable to a like penalty. R.S.O. 1950, c. 59, s. 91, *part, amended*. Offence and penalty

290. A corporation shall have a seal which shall be adopted and may be altered or changed by by-law. *New*. Seal

291.—(1) A contract that if made between individual persons would be by law required to be in writing and under seal may be made on behalf of a corporation in writing under the seal of the corporation. Contracts in writing under seal

(2) A contract that if made between individual persons would be by law required to be in writing signed by the Contracts in writing not under seal

parties

parties to be charged therewith may be made on behalf of a corporation in writing signed by any person acting under its authority, express or implied.

Parol contracts

(3) A contract that if made between individual persons would be by law valid although made by parol only and not reduced into writing may be made by parol on behalf of a corporation by any person acting under its authority, express or implied. *New.*

Power of attorney by corporation

292. A corporation may, by writing under seal, empower any person, either generally or in respect of any specified matters, as its attorney to execute on its behalf deeds to which it is a party in any capacity in any place situate within or outside of Ontario, and every deed signed by such attorney on behalf of the corporation and under his seal shall bind the corporation and have the same effect as if it were under the seal of the corporation. R.S.O. 1950, c. 59, s. 127.

Authentication of documents, etc.

293. A document requiring authentication by a corporation may be signed by any director or by any authorized person and need not be under seal. R.S.O. 1950, c. 59, s. 122, *amended.*

Directors

294.—(1) The affairs of every corporation shall be managed by a board of directors howsoever designated.

Number

(2) The board of directors of a corporation shall consist of a fixed number of directors not less than three. R.S.O. 1950, c. 59, s. 84, *part, amended.*

Conduct of business

(3) Subject to subsection 1 of section 310, no business of a corporation shall be transacted by its directors except at a meeting of directors at which a quorum of the board is present.

Idem

(4) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. *New.*

First directors

295.—(1) The persons named as first directors in the Act or instrument creating the corporation are the directors of the corporation until replaced by the same number of others duly elected or appointed in their stead. R.S.O. 1950, c. 59, s. 83, *part, amended.*

Idem

(2) The first directors of the corporation have all the powers and duties and are subject to all the liabilities of directors. R.S.O. 1950, c. 59, s. 83, *part.*

Interpretation

(3) In the case of companies incorporated before the 30th day of April, 1954, "first directors" in this section means provisional directors. *New.*

296.—(1) A corporation may by special resolution increase ^{Change in number of} or decrease the number of its directors. R.S.O. 1950, c. 59, ^{directors} s. 91 (1), *part, amended*.

(2) Notice of the special resolution shall be filed with ^{Notice of special} the Provincial Secretary and published in *The Ontario Gazette* ^{resolution} by the corporation within ten days after the resolution has been confirmed by the shareholders or members, but the provisions of this subsection as to the filing and publication of the notice are directory only and are not a condition precedent to the validity of the special resolution. R.S.O. 1950, c. 59, s. 91 (5), *part, amended*.

(3) Every corporation that fails to comply with subsection 2 ^{Offence and} is guilty of an offence and on summary conviction is liable to a ^{penalty} penalty of not more than \$200 and every director or officer of the corporation who authorizes, permits or acquiesces in such failure is guilty of an offence and on summary conviction is liable to a like penalty. *New*.

297.—(1) Subject to subsection 2, no person shall be a ^{Qualifica-} director of a corporation unless he is a shareholder or member ^{tion of} of the corporation and if he ceases to be a shareholder or ^{directors,} member he thereupon ceases to be a director. R.S.O. 1950, ^{must be} c. 59, s. 87 (1), *amended*. ^{share-}holders

(2) A person may be a director of a corporation if he ^{Exception} becomes a shareholder or member of the corporation within ten days after his election or appointment as a director, but if he fails to become a shareholder or member within such ten days he thereupon ceases to be a director and shall not be re-elected or re-appointed unless he is a shareholder or member of the corporation.

(3) Every director shall be twenty-one or more years of ^{Age} age. *New*.

(4) No undischarged bankrupt shall be a director, and ^{Bankrupts} if a director becomes a bankrupt he thereupon ceases to be a director. R.S.O. 1950, c. 59, s. 87 (2), *amended*.

298. A corporation operating a hospital within the mean- ^{Directors of} ing of *The Public Hospitals Act* may, by by-law, provide ^{hospital} that a person may, with his consent in writing, be a director ^{corporations} of the corporation notwithstanding that he is not a share- ^{Rev. Stat.,} holder or member of the corporation. R.S.O. 1950, c. 59, ^{c. 307} s. 88, *amended*.

299.—(1) The directors shall be elected by the share- ^{Election of} holders or members in general meeting and the election shall ^{directors}

be by ballot or in such other manner as the by-laws of the corporation prescribe. R.S.O. 1950, c. 59, s. 84, *part*; s. 89, cl. (b), *amended*.

Idem

(2) Unless the letters patent or supplementary letters patent otherwise provide, the election of directors shall take place yearly and all the directors then in office shall retire, but, if qualified, are eligible for re-election. R.S.O. 1950, c. 59, s. 89, cl. (a), *amended*.

Exception

(3) Subsection 2 does not affect the operation of any by-law passed before the 30th day of April, 1954, which provides that the election of directors shall take place otherwise than yearly. *New*.

Continu-
ance in
office

(4) If an election of directors is not held at the proper time, the directors continue in office until their successors are elected. R.S.O. 1950, c. 59, s. 90, *amended*.

Rotation of
directors

(5) The letters patent or supplementary letters patent may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least three directors shall retire from office in each year.

Idem,
co-ops

(6) A corporation to which Part V applies may by by-law provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least three directors shall retire from office in each year. *New*.

Quorum of
directors

300.—(1) Unless the letters patent, supplementary letters patent or a special resolution otherwise provides, a majority of the board of directors constitutes a quorum, but in no case shall a quorum be less than two-fifths of the board of directors. R.S.O. 1950, c. 59, s. 85 (2), *amended*.

Vacancies

(2) As long as there is a quorum of directors in office, any vacancy occurring in the board of directors may be filled for the remainder of the term by the directors then in office. R.S.O. 1950, c. 59, s. 85 (3), *amended*.

Idem

(3) Whenever there is not a quorum of directors in office, the director or directors then in office shall forthwith call a general meeting of the shareholders or members to fill the vacancies, and in default or if there are no directors then in office the meeting may be called by any shareholder or member. R.S.O. 1950, c. 59, s. 85 (4, 5), *amended*.

301.—(1) The directors shall elect a president from among ^{President} themselves.

(2) The directors shall appoint a secretary and may appoint ^{Other} one or more vice-presidents and other officers. R.S.O. 1950, c. 59, s. 89, cl. (c), *part, amended.*

(3) If the office of secretary is vacant or if for any reason ^{Acting} the secretary is unable to act, anything required or authorized ^{secretary} to be done by the secretary may be done by an assistant secretary or if there is no assistant secretary able to act, by any other officer of the company authorized generally or specifically in that behalf by the directors. *New.*

302. A corporation may by special resolution provide for the election by the directors from among themselves of a ^{Chairman of} chairman of the board of directors and define his duties, and may assign to the chairman of the board of directors any or all of the duties of the president or other officer of the corporation, and in that case the special resolution shall fix and prescribe the duties of the president. R.S.O. 1950, c. 59, s. 91 (2), *amended.*

303. Except in the case of the president and the chairman ^{Qualifica-} of the board of directors, no officer of the corporation need ^{tion of} be a director or a shareholder or member of the corporation ^{officers} unless the by-laws so provide. *New.*

304. The acts of a director or of an officer are valid not- ^{Validity of} withstanding any defect that may afterwards be discovered in ^{acts of} his appointment or qualification. ^{directors,} *New.* ^{etc.}

305. Every corporation shall hold an annual meeting of ^{Annual} its shareholders or members not later than eighteen months ^{meetings} after the incorporation of the corporation and subsequently not more than fifteen months after the holding of the last preceding annual meeting. *New.*

306. The directors may at any time call a general meeting ^{General} of the shareholders or members for the transaction of any ^{meetings} business, the general nature of which is specified in the notice calling the meeting. R.S.O. 1950, c. 59, s. 47 (3, 4).

307.—(1) Shareholders of a company holding not less ^{Requisition} than one-tenth of the issued shares of the company that carry ^{for meeting} the right to vote at the meeting proposed to be held, or not less than one-tenth of the members of a corporation without share capital entitled to vote at the meeting proposed to be held, as the case may be, may request the directors to call a general meeting of the shareholders or members for any purpose connected with the affairs of the corporation that is not inconsistent with this Act. R.S.O. 1950, c. 59, s. 47 (1), *part, amended.*

Requisition (2) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation and may consist of several documents in like form signed by one or more requisitionists.

Duty of directors to call meeting (3) Upon deposit of the requisition, the directors shall call forthwith a general meeting of the shareholders or members for the transaction of the business stated in the requisition. R.S.O. 1950, c. 59, s. 47 (1), *part*.

Where requisitionists may call meeting (4) If the directors do not within twenty-one days from the date of the deposit of the requisition call and hold such meeting, any of the requisitionists may call such meeting which shall be held within sixty days from the date of the deposit of the requisition. R.S.O. 1950, c. 59, s. 47 (2), *amended*.

Calling of meeting (5) A meeting called under this section shall be called as nearly as possible in the same manner as meetings of shareholders or members are called under the by-laws, but if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice shall be sufficient for the calling of such meeting.

Repayment of expenses (6) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors to call such meeting shall be repaid to the requisitionists by the corporation and any amount so repaid shall be retained by the corporation out of any moneys due or to become due from the corporation by way of fees or other remuneration in respect of their services to such of the directors as were in default, unless at such meeting the shareholders or members by a majority of the votes cast reject the repayment to the requisitionists. *New*.

Circulation of members' resolutions, etc. **308.**—(1) On the requisition in writing of the shareholders of a company holding not less than one-twentieth of the issued shares of the company that carry the right to vote at the meeting to which the requisition relates or not less than one-twentieth of the members of a corporation without share capital entitled to vote at the meeting to which the requisition relates, as the case may be, the directors shall,

(a) give to the shareholders or members entitled to notice of the next meeting of shareholders or members notice of any resolution that may properly be moved and is intended to be moved at that meeting; or

(b) circulate to the shareholders or members entitled to vote at the next meeting of shareholders or members any statement of not more than 1,000 words with respect to the matter referred to in any proposed

resolution

resolution for the business to be dealt with at that meeting,

or shall comply with clauses *a* and *b* as the requisition requires.

(2) The notice or statement, or both, as the case may be, shall be given or circulated by serving a copy thereof on each shareholder or member entitled thereto in the same manner and at the same time as that prescribed by this Act for the serving of notice of meetings of shareholders or members. ^{Service}

(3) Where it is not practicable to serve the notice or statement, or both, at the same time as the notice of the meeting is served, the notice or statement, or both, shall be served as soon as practicable thereafter. ^{Idem}

(4) The directors shall not be bound under this section to give notice of any resolution or to circulate any statement unless, ^{Deposit of requisition, etc.}

(a) the requisition, signed by the requisitionists, is deposited at the head office of the corporation,

(i) in the case of a requisition requiring notice of a resolution to be given, not less than ten days before the meeting,

(ii) in the case of a requisition requiring a statement to be circulated, not less than seven days before the meeting; and

(b) there is deposited with the requisition a sum reasonably sufficient to meet the corporation's expenses in giving effect thereto.

(5) Notwithstanding anything in the by-laws of the corporation, where the requisitionists have complied with this section, the resolution, if any, mentioned in the requisition shall be dealt with at the meeting to which the requisition relates. ^{Duty to deal with requisitioned matter}

(6) The sum deposited under clause *b* of subsection 4 shall be repaid to the requisitionists by the corporation unless at the meeting to which the requisition relates the shareholders or members by a majority of the votes cast reject the repayment to the requisitionists. ^{Repayment of expenses}

(7) Every director of a corporation who authorizes, permits or acquiesces in any contravention of any requirement of this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. ^{Offence and penalty} *New.*

Court may
direct
method of
holding
meetings

309. If for any reason it is impracticable to call a meeting of shareholders or members of the corporation in any manner in which meetings of shareholders or members may be called or to conduct the meeting in the manner prescribed by this Act, the letters patent, supplementary letters patent or by-laws, the court may, on the application of any director or any shareholder or member who would be entitled to vote at the meeting, order a meeting to be called, held and conducted in such manner as the court thinks fit, and any meeting called, held and conducted in accordance with any such order shall for all purposes be deemed to be a meeting of shareholders or members of the corporation duly called, held and conducted. *New.*

First-year
by-laws and
resolutions

310.—(1) Any by-law or resolution signed during a corporation's first year of existence by all the directors is as valid and effective as if passed at a meeting of the directors duly called, constituted and held for that purpose.

Idem

(2) Any resolution signed during the corporation's first year of existence by all the shareholders or members is as valid and effective as if passed at a meeting of the shareholders or members duly called, constituted and held for that purpose. *New.*

Alternative
method of
confirming
by-laws

(3) Any by-law passed at any time during a corporation's existence may, in lieu of confirmation at a general meeting, be confirmed in writing by all the shareholders or members entitled to vote at such meeting. R.S.O. 1950, c. 59, s. 125, *amended.*

Minute
books

311.—(1) Every corporation shall cause minutes of all proceedings at meetings of the shareholders or members and of the directors and of any executive committee to be entered in books kept for that purpose. R.S.O. 1950, c. 59, s. 107, *part, amended.*

Evidence

(2) Any such minutes, if purporting to be signed by the chairman of the meeting at which the proceedings were had or by the chairman of the next succeeding meeting, are *prima facie* evidence of the proceedings.

Validity

(3) Where minutes in accordance with this section have been made of the proceedings of a meeting of the shareholders or members or of the directors or any executive committee, then, until the contrary is proved, the meeting shall be deemed to have been duly called, constituted and held and all proceedings had thereat to have been duly had and all appointments of directors, officers or liquidators made thereat shall be deemed to have been duly made. *New.*

312. Every corporation shall cause the following documents and registers to be kept: Documents and registers

1. A copy of the letters patent and of any supplementary letters patent issued to the corporation and of the memorandum of agreement, if any, or, if incorporated by special Act, a copy of such Act.
2. All by-laws and special resolutions of the corporation.
3. A register of shareholders or members in which are set out the names alphabetically arranged of all persons who are shareholders or members or have been within ten years shareholders or members of the corporation and the address of every such person while a shareholder or member and, in the case of a company, in which are set out also the number and class of shares held by each shareholder and the amounts paid up and remaining unpaid respectively on the shares of each shareholder.
4. A register of directors in which are set out the names, addresses and callings of all persons who are or have been directors of the corporation with the several dates on which each became or ceased to be a director. R.S.O. 1950, c. 59, s. 101, *amended*.

313. The documents and registers mentioned in sections 40 and 312 are *prima facie* evidence before and after dissolution of the corporation of all facts purporting to be stated therein. Documents prima facie evidence
R.S.O. 1950, c. 59, s. 106, *amended*.

314. Every corporation shall cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation and, without derogating from the generality of the foregoing, records of, Books of account

- (a) all sums of money received and disbursed by the corporation and the matters with respect to which receipt and disbursement take place;
- (b) all sales and purchases of the corporation;
- (c) the assets and liabilities of the corporation; and
- (d) all other transactions affecting the financial position of the corporation. R.S.O. 1950, c. 59, s. 107, *part, amended*.

315. Every director, officer or employee of a corporation who knowingly makes or assists in making any untrue entry Offence and penalty

in

in the minutes of proceedings mentioned in section 311, the documents and registers mentioned in sections 40 and 312 or the books of account or accounting records mentioned in section 314 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than three months, or both. *New.*

Records to
be kept at
head office

316.—(1) The minutes of proceedings mentioned in section 311, the documents and registers mentioned in sections 40 and 312, and the books of account and accounting records mentioned in section 314 shall, during the normal business hours of the corporation, be open to inspection by any director and shall, except as provided in section 42 and in subsections 2 and 3 of this section, be kept at the head office of the corporation. R.S.O. 1950, c. 59, s. 102 (1), *amended.*

Records of
account at
branch

(2) Any corporation may keep at any place where it carries on business such part of the accounting records as relate to the operations and assets and liabilities thereof or to such business of the corporation as may be carried on or supervised or accounted for at such place, but there shall be kept at the head office of the corporation or such other place as may be authorized under subsection 3 such records as will enable the directors to ascertain quarterly with reasonable accuracy the financial position of the corporation. *New.*

Exception

(3) Upon necessity therefor being shown and adequate assurance given that the minutes, documents, registers, books of account and accounting records mentioned in subsection 1 may be inspected at the head office or some other place in Ontario designated by the Provincial Secretary by any person entitled thereto after application to him for such inspection, he may upon such terms as he sees fit by order permit any corporation to keep such of them at such place or places, other than the head office, as he sees fit. R.S.O. 1950, c. 59, s. 102 (3), *amended.*

Offence and
penalty

(4) Every director, officer or employee of a corporation who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 102 (2), *amended.*

Records to
be open for
inspection

317.—(1) The minutes of proceedings mentioned in section 311 and the documents and registers mentioned in sections 40 and 312, during the normal business hours of the corporation, shall, at the place or places where they are kept, be open to inspection by the shareholders or members and creditors of the corporation or their agents or legal representatives, and any of them may make extracts therefrom.

(2) Any person who refuses to permit a person entitled thereto to inspect such minutes, documents or registers, or to make extracts therefrom, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 105 (1, 6), *amended*. Offence and penalty

318.—(1) No shareholder or member or creditor or the agent or representative of any of them shall make or cause to be made a list of all or any of the shareholders or members of the corporation unless he has filed with the corporation or its agent an affidavit of such shareholder, member or creditor in the following form, and where the shareholder, member or creditor is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of such corporation: List of shareholders

Form of Affidavit

Province of Ontario	In the matter of
County of	(Insert name of corporation)

I,, of the of
in the.....of.....

make oath and say:

1. I am a shareholder (*or member or creditor*) of the above-named corporation.

(Where the shareholder, member or creditor is a corporation indicate office and authority of deponent in paragraph 1.)

2. I am applying to make a list of the shareholders (*or members*) of the above-named corporation.

3. I require the list of shareholders (*or members*) only for purposes connected with the above-named corporation.

4. The list of shareholders (*or members*) and the information contained therein will be used only for purposes connected with the above-named corporation.

SWORN, etc.

A Commissioner, etc.

R.S.O. 1950, c. 59, s. 105 (2), *amended*; Form 6.

(2) Any person other than a corporation or its agent who uses a list of all or any of the shareholders or members of the corporation for the purpose of delivering or sending to all or any of such shareholders or members advertising or other printed matter relating to shares or securities other than the shares or securities of the corporation or for purposes not connected with the corporation is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000. Offence and penalty

(3) Purposes connected with the corporation include any effort to influence the voting of shareholders or members at any meeting of the corporation and include the acquisition Purposes connected with the corporation, defined

or offering of shares to acquire control or to effect an amalgamation or reorganization and any other purpose approved by the Provincial Secretary.

Offence and
penalty

(4) Any person who offers for sale or sells or purchases or otherwise traffics in a list or copy of a list of all or any of the shareholders or members of a corporation is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000. R.S.O. 1950, c. 59, s. 105 (3-5), *amended*.

Power of
court to
correct

319.—(1) If the name of any person is, without sufficient cause, entered in or omitted from the minutes of proceedings mentioned in section 311 or the documents or registers mentioned in sections 40 and 312, or if default is made or unnecessary delay takes place in entering therein the fact of any person having ceased to be a shareholder or member of the corporation, the person or shareholder or member aggrieved, or any shareholder or member of the corporation, or the corporation itself, may apply to the court for an order that the minutes, documents or registers be rectified, and the court may dismiss such application or make an order for the rectification of the minutes, documents or registers, and may direct the corporation to compensate the party aggrieved for any damage he may have sustained.

Decision as
to title

(2) The court may, in any proceeding under this section, decide any question relating to the entitlement of any person who is a party to such proceeding to have his name entered in or omitted from such minutes, documents or registers, whether such question arises between two or more shareholders or members or alleged shareholders or members, or between any shareholder or member or alleged shareholder or member and the corporation.

Trial of
issue

(3) The court may direct an issue to be tried.

Appeal

(4) An appeal lies from the decision of the court as if it had been given in an action.

Jurisdic-
tion of
courts not
affected

(5) This section does not deprive any court of any jurisdiction it may otherwise have.

Costs

(6) The costs of any proceeding under this section are in the discretion of the court. R.S.O. 1950, c. 59, s. 104, *amended*.

Investiga-
tions and
audits

320.—(1) Upon an application by the shareholders of a company holding shares representing not less than one-tenth of the issued capital of the company, or upon an application of at least one-tenth of the members of a corporation without share capital, the court may appoint an inspector to investi-

gate the affairs and management of the corporation or may appoint a person to audit its books. R.S.O. 1950, c. 59, s. 109 (1), *amended*.

(2) The application shall be supported by such evidence Evidence as the court may require for the purpose of showing that the applicants have good reason for requiring the investigation or audit, as the case may be.

(3) The court may require the applicants to give security Security for costs to cover the probable cost of the investigation or audit and may make rules and prescribe the manner in which and the extent to which the investigation or audit is to be conducted.

(4) Such inspector or auditor shall report thereon to the court and the expense of the investigation shall, in the discretion of the court, be defrayed by the corporation or by the applicants or partly by the corporation and partly by the applicants. Report on and expense of investigation or audit

(5) A corporation may, by resolution passed at an annual meeting or at a general meeting called for that purpose, appoint an inspector to investigate its affairs and management. Corporation may appoint for same purpose

(6) The inspector appointed under subsection 5 has the same powers and shall perform the same duties as an inspector appointed under subsection 1 and he shall make his report in such manner and to such persons as the corporation by resolution directs. Powers and duties of inspector

(7) All officers and agents of the corporation shall produce for the examination of any inspector or auditor appointed under this section all books and records in their custody or power. Production of books and documents

(8) Any such inspector or auditor may examine upon oath the officers, agents and employees of the corporation in relation to its affairs and management. Examination on oath

(9) Any officer or agent who refuses to produce any book or record referred to in subsection 7 or any person so examined who refuses to answer any question relating to the affairs and management of the corporation is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 59, s. 109 (2-8), *amended*. Offence and penalty

(10) A copy of the report of the inspector or auditor, as the case may be, authenticated by the court or under the seal of the corporation whose affairs and management he has investigated, is admissible in any legal proceedings as evidence of the opinion of the inspector or auditor in relation to any matter contained in the report. *New*. Report admissible in proceedings

Corporation with less than three shareholders or members exercising corporate powers

321.—(1) If a corporation exercises its corporate powers when the number of its shareholders or members is less than three for a period of more than six months after the number has been so reduced, every person who was a shareholder or member of the corporation during the time that it so exercised its corporate powers after such period of six months and is aware of the fact that it so exercised its corporate powers shall be severally liable for the payment of the whole of the debts of the corporation contracted during such time and may be sued for the debts without the joinder in the action of the corporation or of any other shareholder or member.

Shareholder or member may relieve himself from liability

(2) A shareholder or member who has become aware that the corporation is so exercising its corporate powers may serve a protest in writing on the corporation and may by registered letter notify the Provincial Secretary of such protest having been served and of the facts upon which it is based, and such shareholder or member may thereby and not otherwise, from the date of his protest and notification, exonerate himself from liability.

Revocation of charter

(3) If after notice from the Provincial Secretary the corporation refuses or neglects to bring the number of its shareholders or members up to three, such refusal or neglect may be regarded by the Lieutenant-Governor as sufficient cause for the making of an order under subsection 1 of section 325. R.S.O. 1950, c. 59, s. 30.

Bringing corporations under this Act

322.—(1) Any corporation incorporated otherwise than by letters patent and being at the time of its application a subsisting corporation may apply for letters patent under this Act, and the Lieutenant-Governor may issue letters patent continuing it as if it had been incorporated under this Act. R.S.O. 1950, c. 59, s. 12, *amended*.

Change of powers, etc.

(2) Where a corporation applies for the issue of letters patent under subsection 1, the Lieutenant-Governor may, by the letters patent, limit or extend the powers of the corporation, name its directors and change its corporate name, as the applicant desires. R.S.O. 1950, c. 59, s. 13, *amended*.

Rights of creditors preserved

323. All rights of creditors against the property, rights and assets of a corporation amalgamated under section 96 or continued under section 322, and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the amalgamated or continued corporation and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it. R.S.O. 1950, c. 59, s. 14, *amended*.

324.—(1) If a corporation heretofore or hereafter incorporated by letters patent did not go or does not go into actual *bona fide* operation within two years after incorporation or for any two consecutive years did not or does not use its corporate powers, the Lieutenant-Governor, after having given the corporation such notice as he deems proper, may by order declare such powers forfeited, except so far as is necessary for the winding up of the corporation. R.S.O. 1950, c. 59, s. 27 (1), *amended*. Forfeiture
for non-user

(2) No such forfeiture affects prejudicially the rights of creditors as they exist at the date of the forfeiture. R.S.O. 1950, c. 59, s. 27 (3). Rights of
creditors not
affected

(3) Where the powers of a corporation have been forfeited under subsection 1 or a predecessor of subsection 1, the Lieutenant-Governor on the application of the corporation may by order, on such terms and conditions as he sees fit to impose, revive the corporate powers. R.S.O. 1950, c. 59, s. 27 (4), *amended*. Revival

325.—(1) Where sufficient cause is shown, the Lieutenant-Governor may by order, upon such terms and conditions as he deems fit, Termination
of existence
for cause

- (a) cancel the letters patent of a corporation and declare it to be dissolved on such date as the order may fix;
- (b) declare the corporate existence of a corporation incorporated otherwise than by letters patent to be terminated and the corporation to be dissolved on such date as the order may fix; or
- (c) cancel any supplementary letters patent issued to a corporation.

(2) Where it appears that a corporation is in default for a period of five years in filing its annual returns under *The Corporations Information Act, 1953*, or a predecessor of that Act, and that notice of such default has been sent by registered letter to each director of record in the office of the Provincial Secretary to his last address shown on the records of that office and has been published once in *The Ontario Gazette*, the Lieutenant-Governor may by order, Termination
of existence
on default
in filing
returns
1953,
c. 21

- (a) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order may fix; or
- (b) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters

patent,

patent, to be terminated and the corporation to be dissolved on such date as the order may fix. 1952, c. 10, s. 1, *amended*.

Surrender of
charter

326.—(1) The charter of a corporation incorporated by letters patent may be surrendered if the corporation proves to the satisfaction of the Lieutenant-Governor,

- (a) that the surrender of its charter has been authorized by a majority of the votes cast at a meeting of its shareholders or members duly called for that purpose or by such other vote as the letters patent or supplementary letters patent of the corporation may provide;
- (b) that it has parted with its property by distributing its property rateably among its shareholders or members according to their rights and interests in the corporation;
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for or protected or its creditors or other persons having interests in its debts, obligations or liabilities consent;
- (d) that there are no proceedings pending in any court against it; and
- (e) that it has given notice of its intention to surrender its charter by publication once in *The Ontario Gazette* and once in a newspaper published at or as near as may be to the place where the corporation has its head office.

Acceptance
of surrender
and dissolution
of corporation

(2) The Lieutenant-Governor, upon a due compliance with this section, may by order accept the surrender of the charter and declare the corporation to be dissolved on such date as the order may fix. R.S.O. 1950, c. 59, s. 31, *amended*.

Where share-
holder
unknown

(3) When a corporation surrenders its charter and a shareholder or member is unknown or his whereabouts is unknown, the corporation may, by agreement with the Public Trustee, deliver or convey his share of the property to the Public Trustee to be held in trust for him and such delivery or conveyance shall be deemed to be a rateable distribution among the shareholders or members for the purposes of clause *b* of subsection 1.

Where
creditor
unknown

(4) When a corporation surrenders its charter and a creditor is unknown or his whereabouts is unknown, the corporation may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the

debt

debt due to the creditor to be held in trust for the creditor and such payment shall be deemed to be due protection of the debt for the purposes of clause *c* of subsection 1.

(5) If the share of the property so delivered or conveyed to the Public Trustee under subsection 3 is in a form other than money, the Public Trustee may at any time, and within ten years after such delivery or conveyance shall, convert the same into money. Power to convert

(6) If the share of the property delivered or conveyed under subsection 3 or its equivalent in money, or the amount paid under subsection 4, as the case may be, is claimed by the person beneficially entitled thereto within ten years after it was so delivered, conveyed or paid, it shall be delivered, conveyed or paid to him, but if not so claimed it vests in the Public Trustee for the use of Ontario, and if the person beneficially entitled thereto at any time thereafter establishes his right thereto to the satisfaction of the Lieutenant-Governor in Council, an amount equal to the amount so vested in the Public Trustee shall be paid to him. Payment to person entitled

(7) Where an order has been made before the 30th day of April, 1954, accepting the surrender of the charter of a corporation and the Public Trustee is holding property of the corporation in trust for shareholders, members or creditors of the corporation, subsections 5 and 6 apply to the property so held, except that the ten-year period mentioned in subsection 6 commences on the 30th day of April, 1954. *New.* Property now held by Public Trustee

327. The corporate existence of a corporation incorporated otherwise than by letters patent may be terminated by order of the Lieutenant-Governor upon application therefor by such corporation under like circumstances, in like manner and with like effect as a corporation incorporated by letters patent may surrender its charter. R.S.O. 1950, c. 59, s. 32. Termination of existence of corporation not incorporated by letters patent

328.—(1) Notwithstanding the dissolution of a corporation, the shareholders or members among whom its property has been distributed remain liable to the creditors of the corporation to the amount received by them respectively upon such distribution, and an action may be brought within one year from the date of such dissolution in any court of competent jurisdiction to enforce such liability. Liability of shareholders to creditors

(2) Where there are numerous shareholders or members, such court may permit an action to be brought against one or more shareholders or members as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the Action against one shareholder as representing class

Master's office all such shareholders or members as may be found and the Master shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so to be ascertained. R.S.O. 1950, c. 59, s. 33, *amended*.

Forfeiture
of undis-
posed
property

329. Any real or personal property of a corporation that has not been disposed of at the date of dissolution is forfeit to the Crown. R.S.O. 1950, c. 59, s. 34.

Evidence of
by-laws

330. A copy of any by-law of a corporation under its seal and purporting to be signed by an officer of the corporation, or a certificate similarly authenticated to the effect that a person is a shareholder or member of the corporation and that dues or other sums payable are due and have not been paid, or that a call or assessment which has been made is due and has not been paid, shall be received in all courts as *prima facie* evidence of the by-law or of the statements contained in such certificate. R.S.O. 1950, c. 59, s. 121.

Service of
notice

331.—(1) Subject to the letters patent, supplementary letters patent or by-laws, a notice or demand to be served or made by a corporation upon a shareholder or member may be served or made personally or sent by registered letter addressed to the shareholder or member at his last address as shown on the books of the corporation. R.S.O. 1950, c. 59, s. 123.

Time of
service

(2) Subject to the letters patent, supplementary letters patent or by-laws, a notice or other document served by post by a corporation on a shareholder or member shall be deemed to be served at the time when it would be delivered in the ordinary course of post. R.S.O. 1950, c. 59, s. 124.

Proof of
matters
under this
Act

332. Proof of any matter that may be necessary to be made under this Act may be made by certificate. R.S.O. 1950, c. 59, s. 126, *amended*.

Reciprocal
insurance

333. A corporation that insures property with or insures the property of other persons, where such insurance is reciprocal and for protection only and not for profit, shall not be deemed to be an insurer or an insurance corporation within the meaning of this Act. R.S.O. 1950, c. 59, s. 129.

Regulations

334. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing a tariff of fees to be paid on applications, returns, filings, searches, copies of documents and any other transaction under this Act, and such fees may vary in amount, having regard to the nature of

the corporation, the authorized capital or otherwise, as may be deemed expedient;

- (b) respecting any matter which he deems requisite for carrying out the objects of this Act, and, without limiting the generality of the foregoing, respecting names of corporations or classes thereof, objects of corporations, authorized capital of companies, the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares or classes of shares of companies, or any other matters pertaining to letters patent, supplementary letters patent or orders or the applications therefor. R.S.O. 1950, c. 59, ss. 35, 119 (1, 2), *amended*.

335. No letters patent and no supplementary letters patent shall be issued and no order shall be made and no document shall be accepted for filing under this Act until all fees therefor have been paid. R.S.O. 1950, c. 59, ss. 119 (3), 120, *amended*. Fees to be paid in advance

336.—(1) Where proceedings under this Act are brought in a county or district court, a respondent may, by notice served on the applicant and on the other respondents, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court. Removal of proceedings into Supreme Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers and proceedings to the proper office of the Supreme Court in the county or district in which the proceedings are brought. Transmission of proceedings

(3) When the papers and proceedings are received at the proper office of the Supreme Court, the proceedings are *ipso facto* removed into the Supreme Court. Removal of proceedings

(4) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court or judge may refer any question to the Master or other officer for inquiry and report. *New*. Reference to Master

337. An appeal lies to the Court of Appeal from any order made by a court under this Act. *New*. Appeal

338. Every person who wilfully makes a statement false in any material particular in any return, certificate, financial statement or other document required by or for the purposes of this Act is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000, or to imprisonment for a term of not more than three months, or both. R.S.O. 1950, c. 59, s. 108, *amended*. False statements

General
penalty

339. Every corporation which, and every person who, being a director or officer of the corporation, or acting on its behalf, commits any act contrary to any provision of this Act, or fails or neglects to comply with any such provision, is guilty of an offence and on summary conviction, if no penalty for such act, failure or neglect is expressly provided by this Act, is liable to a penalty of not more than \$200. *New.*

Aggrieved
shareholders

340. Where a shareholder or member or creditor of a corporation is aggrieved by the failure of the corporation or a director, officer or employee of the corporation to perform any duty imposed upon it or him by this Act, the shareholder, member or creditor, notwithstanding the imposition of any penalty and in addition to any other rights that he may have, may apply to the court for an order directing the corporation, director, officer or employee, as the case may be, to perform such duty, and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Relief
from
compliance
with Act

341. The Lieutenant-Governor in Council may relieve any corporation incorporated before the 30th day of April, 1954, from compliance with any of the provisions of this Act. R.S.O. 1950, c. 59, s. 214, *amended.*

PART IX

EXTRA-PROVINCIAL CORPORATIONS

Interpre-
tation

342. In this Part,

- (a) "extra-provincial corporation" means a corporation incorporated otherwise than by or under the authority of an Act of the Legislature;
- (b) "regulations" means regulations made under this Part. R.S.O. 1950, c. 124, s. 1, *amended.*

Classes
of extra-
provincial
corporations

343. Extra-provincial corporations shall be divided into the following classes:

Class 1. Corporations incorporated by or under the authority of an Act of the Legislature of the late Province of Upper Canada, or by charter of the Government of that Province.

Class 2. Corporations incorporated by or under the authority of an Act of the Legislature of the late Province of Canada, or by charter of the Government of that Province, and carrying on business in Ontario on the 1st day of July, 1900.

Class 3.

Class 3. Corporations that had before the 1st day of July, 1900, received from the Government of Ontario a licence to carry on business in Ontario, or that have been authorized by an Act of the Legislature to carry on business in Ontario while such licence or Act is in force.

Class 4. Corporations licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*. Rev. Stat., cc. 183, 187, 214

Class 5. Corporations not having gain for any of their objects.

Class 6. Corporations incorporated by or under the authority of an Act of the Parliament of Canada and authorized to carry on business in Ontario.

Class 7. Corporations exempted from this Part by the Lieutenant-Governor in Council.

Class 8. Corporations within the meaning of sections 3, 5, 6, 7 and 8 of *The Corporations Tax Act*. Rev. Stat., c. 72

Class 9. Corporations engaged in the brewery, distillery or wine industry that are licensed under *The Liquor Control Act*. Rev. Stat., c. 210

Class 10. Corporations, other than those mentioned in classes 1 to 9, incorporated by or under the authority of an Act of the Legislature of the late Province of Canada, or by charter of the Government of that Province, authorized to carry on business in Upper Canada, but not carrying on business in Ontario on the 1st day of July, 1900.

Class 11. Corporations not within classes 1 to 10. R.S.O. 1950, c. 124, ss. 2 (1), 3 (1); C.R.O. 1950, Regs. 83, reg. 3, *part, amended*.

344. Where it appears that legislation is in force in any other province of Canada exempting corporations incorporated under the law of Ontario from any Act corresponding with this Part, the Lieutenant-Governor in Council may exempt corporations incorporated under the law of such other province from this Part. R.S.O. 1950, c. 124, s. 3 (2). Reciprocal legislation as to exemption from licensing

345.—(1) No extra-provincial corporation within class 10 or 11 mentioned in section 343 shall carry on in Ontario any of its business unless a licence under this Part so to do Carrying on business without licence prohibited

has been issued to it and unless such licence is in force, and no person, as the representative or agent of or acting in any other capacity for any such extra-provincial corporation, shall carry on any of its business in Ontario unless it has received such licence and unless such licence is in force.

Exception

(2) If an extra-provincial corporation has no resident agent or representative or no office or place of business in Ontario, the taking of orders for or the buying or selling of goods, wares and merchandise by travellers or by correspondence shall not be deemed a carrying on of business within the meaning of this Part. R.S.O. 1950, c. 124, s. 6, *amended*.

Application
for licence

346.—(1) An extra-provincial corporation within class 10 or 11 mentioned in section 343 may apply to the Lieutenant-Governor for a licence to carry on its business or part thereof, and to exercise its powers or part thereof, in Ontario. R.S.O. 1950, c. 124, s. 8 (1), *amended*.

Proof to be
furnished on
application

(2) Upon the application for a licence the applicant shall establish to the satisfaction of the Provincial Secretary, or such officer as may be charged by him to report thereon, that the provisions of this Part and the regulations have been complied with, and the Provincial Secretary or such officer may, for that or for any other purpose under this Part, take evidence under oath. R.S.O. 1950, c. 124, s. 10.

Conditions
of licence

347. No limitations or conditions shall be included in any such licence that would limit the rights of an extra-provincial corporation within class 10 mentioned in section 343 to carry on in Ontario such part of its business and to exercise in Ontario such part of its powers as by its Act or instrument of incorporation it may be authorized to carry on and exercise therein. R.S.O. 1950, c. 124, s. 8 (2).

Right to
licence when
within class
10

348. Where an extra-provincial corporation within class 10 mentioned in section 343 complies with this Part and the regulations, the Lieutenant-Governor shall issue a licence to it to carry on its business and to exercise its powers in Ontario. R.S.O. 1950, c. 124, s. 4.

Right to
licence when
within class
11

349.—(1) Where an extra-provincial corporation within class 11 mentioned in section 343 complies with this Part and the regulations, the Lieutenant-Governor may in his discretion issue a licence to it to carry on the whole or such part of its business and to exercise the whole or such part of its powers in Ontario as may be embraced in the licence, subject however to such limitations and conditions as may be specified therein. R.S.O. 1950, c. 124, s. 5.

(2) A licence shall not be issued to an extra-provincial ^{Name} corporation within class 11 mentioned in section 343 if its name is objectionable. *New.*

350. The Provincial Secretary may in his discretion and ^{Powers of Provincial Secretary} under the seal of his office have, use, exercise and enjoy any power, right or authority conferred on the Lieutenant-Governor under this Part. *New.*

351. The Provincial Secretary shall cause notice of the ^{Notice} issue of a licence under this Part to be given in *The Ontario Gazette*, and a copy of the *Gazette* containing the notice shall be *prima facie* evidence in all proceedings by and against the corporation and otherwise under this Part or otherwise, of the issue of the licence and of the terms thereof mentioned in the notice, and a copy of the licence certified by the Provincial Secretary or his deputy shall be sufficient evidence of the licence before all courts and tribunals. R.S.O. 1950, c. 124, s. 12.

352. An extra-provincial corporation having a licence ^{Dealing with land} may, subject to the limitations and conditions of the licence, and subject to its Act or instrument of incorporation, acquire, hold, mortgage, alienate and otherwise dispose of land in Ontario and any interest therein to the same extent and for the same purposes as if it had been incorporated under this Act with power to carry on the business and exercise the powers embraced in the licence. R.S.O. 1950, c. 124, s. 11.

353.—(1) If an extra-provincial corporation having a ^{Suspension, cancellation or restoration of licence after default of licensee} licence makes default in complying with the limitations and conditions of the licence or the regulations respecting the appointment and continuance of a representative in Ontario, the Lieutenant-Governor may suspend or revoke the licence in whole or in part, and may remove the suspension or cancel the revocation and restore the licence.

(2) The Provincial Secretary shall cause notice of the ^{Publication} suspension, revocation, removal or restoration to be given in *The Ontario Gazette*. R.S.O. 1950, c. 124, s. 13.

354. Any extra-provincial corporation within class 10 or 11 ^{Penalty for carrying on business without a licence} mentioned in section 343 or its representative or agent that carries on in Ontario any part of its business contrary to section 345 is guilty of an offence and on summary conviction is liable to a penalty of \$50 for every day upon which it or he so carries on business. R.S.O. 1950, c. 124, s. 14 (1), *part, amended.*

355.—(1) So long as any extra-provincial corporation ^{Prohibition of actions} within class 11 mentioned in section 343 is unlicensed it shall

not

not be capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made in whole or in part in Ontario in the course of or in connection with business carried on contrary to section 345. R.S.O. 1950, c. 124, s. 14 (1), *part*.

Idem

(2) Upon the issue or restoration of a licence, or the removal of any suspension thereof, such action or other proceeding may be maintained as if the licence had been granted or restored or the suspension had been removed before the institution thereof. R.S.O. 1950, c. 124, s. 14 (2).

Fees on
licences

356. There shall be paid for every licence under this Part such fees as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1950, c. 124, s. 17.

Regulations

357. The Lieutenant-Governor in Council may make regulations,

- (a) respecting the evidence required upon an application for a licence under this Part as to the incorporation of the corporation, its powers and objects and its existence as a valid and subsisting corporation;
- (b) respecting the appointment and continuance by the corporation of a person as its representative in Ontario on whom service of process, notices or other proceedings may be made, and the powers to be conferred on such representative;
- (c) respecting the limitations and conditions that may be specified in licences;
- (d) respecting the forms of licences, powers of attorney, applications, notices, statements, returns and other documents relating to applications and other proceedings under this Part. R.S.O. 1950, c. 124, s. 9 (1), *amended*.

Annual
report

358.—(1) The Provincial Secretary shall, after the close of each fiscal year, prepare an annual report showing the licences issued under this Part during such year, the authorized capital of each corporation licensed and the fee paid for each licence.

Tabling of
report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session. 1950, c. 18, s. 2.

PART X

MISCELLANEOUS

359. *The Companies Act, The Companies Amendment Act, 1951, The Companies Amendment Act, 1952 and The Extra-provincial Corporations Act* are repealed.

Rev. Stat.,
c. 59; 1951,
c. 13; 1952,
c. 10; Rev.
Stat., c. 124,
repealed

360. This Act comes into force on the 30th day of April, 1954.

Commence-
ment

361. This Act may be cited as *The Corporations Act, 1953*. Short title

CHAPTER 20

An Act to amend The Corporations and
Income Taxes Suspension Act, 1952

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Corporations and Income Taxes Suspension Act, 1952* is amended by striking out the word "is," ^{(2nd Sess.),} in the second line and inserting in lieu thereof the words and figures "*The Income Tax Amendment Act, 1939, The Income Tax Amendment Act, 1940 and The Income Tax Amendment Act, 1941* are", so that the section shall read as follows: ^{c. 1, s. 3, amended}

3. *The Income Tax Act* (Ontario), being chapter 25 of R.S.O. 1937, the Revised Statutes of Ontario, 1937, *The Income Tax Amendment Act, 1939, The Income Tax Amendment Act, 1940 and The Income Tax Amendment Act, 1941* ^{c. 25; 1939, (2nd Sess.), c. 4; 1940, c. 10; 1941, c. 23, repealed} are repealed as of the 1st day of January, 1952.

2. *The Corporations and Income Taxes Suspension Act, 1952* is amended by adding thereto the following section: ^{(2nd Sess.), c. 1, amended}

6a.—(1) Notwithstanding section 17 of *The Corporations Tax Act*, no company a fiscal year of which ends ^{Returns} after the 30th day of December, 1952, and before ^{Rev. Stat., c. 72} the 1st day of January, 1957, shall be required, without a notice or demand in writing from the Treasurer of Ontario or from an officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, to deliver to the Treasurer a return for any fiscal year that ends between such dates, but the Lieutenant-Governor in Council may declare that this subsection shall not apply with respect to any such fiscal years that he designates.

(2) The provisions of section 17 of *The Corporations Tax Act* requiring any company to deliver to the Treasurer of Ontario a return upon notice or demand in writing continue to apply as if this Act had not been passed. ^{Idem}

1952
(2nd Sess.),
c. 1, s. 10,
repealed

3. Section 10 of *The Corporations and Income Taxes Suspension Act, 1952* is repealed.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 comes into force on the 30th day of December, 1953.

Short title

5. This Act may be cited as *The Corporations and Income Taxes Suspension Amendment Act, 1953*.

CHAPTER 21

The Corporations Information Act, 1953

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means a corporation with or without share capital, whether acting as a trustee or not;
- (b) "regulations" means regulations made under this Act;
- (c) "security" means security as defined in *The Securities Act*, except that in subsection 4 of section 3, "securities" means securities as defined in *The Corporations Act*, 1953. R.S.O. 1950, c. 60, s. 1, *amended*.

Rev. Stat.,
c. 351

1953, c. 19

2.—(1) Every corporation of a class prescribed by the regulations, before the sale in Ontario of any issue of securities or any part thereof, other than an issue in respect of which a prospectus has been filed, shall file with the Provincial Secretary, together with the prescribed fee, a prospectus containing the information prescribed by the regulations and verified by a person and in the manner prescribed by the regulations.

Filing of
prospectus

(2) Where a corporation fails to comply with subsection 1, every director and officer of the corporation and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500 or to imprisonment for a term of not more than three months, or both. R.S.O. 1950, c. 60, s. 2, *amended*.

Penalty

3.—(1) On or before the 1st day of June in each year, without notice or demand to that effect, every corporation incorporated under the law of Ontario and every other corporation having its head or other office or carrying on business or any part thereof in Ontario, unless licensed or registered under *The Insurance Act* or *The Loan and Trust Corporations Act*,

Annual
returns

Rev. Stat.,
cc. 183,
214

Act,

Act, or unless of a class exempted by the regulations, shall make out, verify and deliver to the Provincial Secretary, together with the prescribed fee, a return stating, as of the 31st day of March next preceding,

- (a) the name of the corporation;
- (b) the jurisdiction under which incorporated;
- (c) (i) the manner of incorporation, whether by special Act, letters patent, registration or otherwise,
 - (ii) the date of incorporation;
- (d) whether or not the corporation is carrying on business;
- (e) generally the business of the corporation actually being carried on;
- (f) (i) the number of directors authorized,
 - (ii) the names and residence addresses, giving street and number, if any, of the persons who are directors, the date on which each became a director,
 - (iii) the names and residence addresses, giving street and number, if any, of the persons who have been since the date of the last annual return but who are no longer directors, the dates on which each became a director and ceased to be a director;
- (g) the names and residence addresses, giving street and number, if any, of the president, secretary, treasurer and manager;
- (h) the location of the head office, giving street and number, if any;
- (i) the date on which the last annual meeting was held;
- (j) the total amount of bond or debenture debt authorized, the amount outstanding and the rate of interest,

corporations with share capital and in the case of a corporation with share capital, in addition,

- (k) (i) the particulars of the authorized share capital stating the number and class of shares, with or without par value, or both, and the par value, if any,

(ii)

- (ii) the date of the by-law, if any, authorizing the issue of shares as preference shares and stating the number of shares so authorized;
- (l) the number of each class of shares allotted, issued and outstanding and the amount paid thereon;
- (m) (i) the number and class of shares upon which the whole amount has not been called up,
 - (ii) the amount called up on each such share,
 - (iii) the total amount of calls unpaid;
- (n) the total number of each class of shares forfeited and the amount paid thereon at the date of forfeiture;
- (o) the number and class of shares, if any, issued since the date of the last annual return, the extent to which the same are paid showing severally the number and class of shares issued for cash, services, commissions or property, and the consideration for which such shares were issued;
- (p) if share warrants are authorized and issued, the number and class of shares represented thereby;
- (q) the number of preference shares redeemed or purchased for cancellation,

and where the corporation is subject to Part IV of *The mining corporations Act, 1953* or a predecessor of that Part, in addition, 1953, c. 19

- (r) the number of shares issued at a discount or premium;
- (s) the rate at which the shares mentioned in clause *r* were issued,

and where the corporation is an extra-provincial corporation and is licensed to carry on business within Ontario, in addition, extra-provincial corporations

- (t) the name and office address of the attorney for service in Ontario;
- (u) the name and office address of the chief officer or manager in Ontario;
- (v) the location of the principal office in Ontario;

(w)

- (w) the estimated amount of capital used in Ontario;
- (x) in detail, the land in Ontario owned or held by or on behalf of the corporation. R.S.O. 1950, c. 60, s. 3 (1), *amended*.

"Carrying
on business"
1953, c. 19
Rev. Stat.,
c. 241

(2) Every corporation that holds a licence under Part IX of *The Corporations Act, 1953* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. *New*.

Verification

(3) The return mentioned in subsection 1 shall be verified by the certificate of the president or, in his absence, of a director of the corporation. R.S.O. 1950, c. 60, s. 3 (3), *amended*.

Private
companies,
additional
certificate

(4) Where the corporation is a private company incorporated under the law of Ontario, in addition to the information required by subsection 1, it shall append to the return mentioned therein a certificate signed by the president or, in his absence, by a director of the company that the company has not, since the date of the last annual return or, in the case of a first annual return, since the date of the incorporation of the company, issued any invitation to the public to subscribe for any of its shares or securities, and, where the number of shareholders of the company exceeds fifty, also a certificate so signed that the excess consists wholly of persons who under subclause ii of clause *f* of section 1 of *The Corporations Act, 1953* are excluded in reckoning the number of fifty. *New*.

Posting up

(5) The corporation shall post up a duplicate of the return mentioned in subsection 1 with the certificate of verification in a conspicuous position in its head or principal office in Ontario on or before the 2nd day of July in each year, and such duplicate may be inspected by any shareholder or member or creditor of the corporation, and the corporation shall keep the same so posted until the duplicate of another return is posted up in compliance with this Act. R.S.O. 1950, c. 60, s. 3 (2), *amended*.

Penalty

(6) Every corporation that fails to comply with this section is guilty of an offence and on summary conviction is liable to a penalty of \$20 for each day of such failure and every director or officer of the corporation, and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario who authorizes, permits or acquiesces in any such failure, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 60, s. 3 (4), *amended*.

(7) Every president or director who knowingly makes a ^{Penalty} statement false in any material particular in a certificate required by this section is guilty of an offence and on summary conviction is liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than three months, or both. *New.*

(8) Corporations incorporated before the 1st day of July, ^{Corporations incorporated before July 1st, 1907, etc.} 1907, under any Act repealed by *The Ontario Companies Act, 1907*, except chapter 191 of the Revised Statutes of Ontario, 1897 and Acts consolidated therewith for which that Act ^{7 Edw. VII c. 34} was substituted, shall make such returns under this section as are required from corporations without share capital. R.S.O. 1950, c. 60, s. 3 (5).

(9) Any corporation required to file a summary under section 121 of *The Companies Act, 1934* (Canada) may deliver ^{Summary under 1934, c. 33 (Can.) in lieu of return} to the Provincial Secretary a duplicate of such summary, signed and verified as prescribed in that section, in lieu of the return required by subsection 1, and shall pay the fee prescribed for such return. R.S.O. 1950, c. 60, s. 3 (6), *amended.*

(10) The Provincial Secretary may in his discretion enlarge ^{Enlargement of time and exemption of fee} the time for delivering any such return or summary and may grant an exemption in whole or in part from the payment of the fee. R.S.O. 1950, c. 60, s. 3 (7), *amended.*

4. The Provincial Secretary may at any time by notice ^{Provincial Secretary may require returns} require any corporation to make a return upon any subject connected with its affairs within the time specified in the notice, and on default in making such return every director of the corporation, and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$200. R.S.O. 1950, c. 60, s. 4 (1), *amended.*

5.—(1) Where a prospectus, notice or other circular ^{Liability of directors, promoters, etc., for untrue statements on soliciting subscriptions} invites subscriptions for the securities of a corporation, every person who is a director of the corporation at the time of the issue of the prospectus, notice or other circular, and every person who having authorized such naming of him is named in the prospectus, notice or other circular as a director of the corporation, or as having agreed to become a director of the corporation, either immediately or after an interval of time, and every promoter of the corporation and every person who has authorized the issue of the prospectus, notice or other circular is liable to pay compensation to all persons who subscribe for any securities on the faith of the prospectus, notice or other circular for the loss or damage they may have

sustained by reason of any untrue statement in the prospectus, notice or other circular or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that,

- (a) having consented to become a director of the corporation he withdrew his consent before the issue of the prospectus, notice or other circular, and that the prospectus, notice or other circular was issued without his authority or consent; or
- (b) the prospectus, notice or other circular was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or
- (c) after the issue of the prospectus, notice or other circular and before allotment thereunder, he, on becoming aware of an untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of his withdrawal and of the reason therefor; or
- (d) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, he had reasonable ground to believe and did, up to the time of the allotment of the securities, believe that the statement was true; or
- (e) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, notice or other circular is liable to pay compensation as aforesaid, if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; or
- (f) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document.

Interpre-
tation

(2) In this section, "promoter" means a promoter who was a party to the preparation of the prospectus, notice or other

circular

circular or of the portion thereof containing such untrue statement, but does not include any person by reason of his acting solely in a professional capacity for persons engaged in procuring the formation of the company. R.S.O. 1950, c. 60, s. 5.

6. The Lieutenant-Governor in Council may make regula- Regulations
tions,

- (a) prescribing the class or classes of corporations which shall file prospectuses under section 2;
- (b) prescribing the information to be contained in such prospectuses;
- (c) specifying the persons who shall verify such prospectuses and prescribing the manner of verifying such prospectuses;
- (d) prescribing the fees payable upon the filing of such prospectuses;
- (e) exempting any class or classes of corporations from filing returns under section 3;
- (f) prescribing the fees payable on the filing of returns under section 3, which fees may be made to vary in amount having regard to the nature of the corporation, the amount of the authorized capital, or otherwise;
- (g) notwithstanding subsection 1 of section 3, specifying the information to be contained in the return mentioned therein;
- (h) notwithstanding subsection 1 of section 3, specifying the date for the filing of the return and the date as of which the information is to be given in the return mentioned therein;
- (i) notwithstanding subsection 3 of section 3, specifying the persons who may verify and prescribing the method of verifying the return mentioned therein;
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 60, s. 7, *amended*.

7. *The Companies Information Act* is repealed.

Rev. Stat.,
c. 60, re-
pealed

8. This Act comes into force on the 30th day of April, 1954. Commence-
ment

9. This Act may be cited as *The Corporations Information Act*, 1953. Short title

CHAPTER 22

An Act to amend The Corporations Tax Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 12 of section 14 of *The Corporations Tax Act*, the deficiency referred to therein shall be deducted in five equal parts from the income of the fiscal years of the company ending in 1947 to 1951. Pension fund deductions

2. Subsections 1 and 2 of section 18 of *The Corporations Tax Act* are repealed and the following substituted therefor: Rev. Stat., c. 72, s. 18, subss. 1, 2, re-enacted

(1) Where a company is in default in complying with subsection 1 of section 17, it shall be liable to a penalty of one-half of 1 per cent of the net income of the company computed in accordance with subsections 1 to 12 of section 14; provided that in any case such penalty shall not be less than \$10 or more than \$500. Penalty for default in filing annual return

(2) Where a company fails to complete the information required on the return to be delivered under subsection 1 of section 17, it shall be liable to a penalty of one-tenth of 1 per cent of the net income of the company computed in accordance with subsections 1 to 12 of section 14; provided that in any case such penalty shall not be less than \$5 or more than \$50. Penalty for failure to complete information

3. Section 46 of *The Corporations Tax Act* is repealed. Rev. Stat., c. 72, s. 46, repealed

4. Section 2 shall be effective with respect to fiscal years of companies ending on and after the 31st day of December, 1952. Effective date of section 2

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Corporations Tax Amendment Act, 1953*. Short title

CHAPTER 23

An Act to amend The County Courts Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 12 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 75, s. 12, subs. 2, re-enacted

- (2) In each year the sittings of the county court of the county of Carleton for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in February, April and October and without a jury on the first Monday in June and December. Exceptions, Carleton

(2) Subsection 2a of the said section 12, as enacted by subsection 1 of section 2 of *The County Courts Amendment Act, 1952*, is amended by striking out the word “June” in the fourth line and inserting in lieu thereof the word “May” and by striking out the word “fourth” in the fifth line and inserting in lieu thereof the word “first”, so that the subsection shall read as follows: Rev. Stat., c. 75, s. 12, subs. 2a (1952, c. 14, s. 2, subs. 1), amended

- (2a) In each year the sittings of the county court of the county of Lincoln for the trial of issues of fact and assessments of damages shall commence with or without a jury on the first Monday in May and the first Monday in November and without a jury on the first Monday in April and October. Lincoln

2. Clause *e* of section 13 of *The County Courts Act* is amended by striking out the words “first Monday of June and the second Tuesday of November” in the first and second lines and inserting in lieu thereof the words “first Tuesday of June and the first Tuesday of December”, so that the clause shall read as follows: Rev. Stat., c. 75, s. 13, cl. e, amended

- (*e*) Kenora, commencing on the first Tuesday of June and the first Tuesday of December.

- Application **3.**—(1) Subsection 2 of section 12 of *The County Courts Act*, as re-enacted by subsection 1 of section 1 of this Act, applies to the sittings of the county court of the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.
- Idem (2) Subsection 2*a* of the said section 12, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the county court of the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.
- Idem (3) Clause *e* of section 13 of *The County Courts Act*, as amended by section 2 of this Act, applies to the sittings of the district court of the district of Kenora commencing on the first Tuesday of June, 1953, and to subsequent sittings.
- Commence-
ment **4.** This Act comes into force on the day it receives Royal Assent.
- Short title **5.** This Act may be cited as *The County Courts Amendment Act, 1953*.

CHAPTER 24

An Act to amend The County Judges Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The County Judges Act*, Rev. Stat., c. 76, s. 4, as re-enacted by section 1 of *The County Judges Amendment Act*, subs. 1 **1951**, is amended by striking out the words "and Middlesex" (1951, c. 16, s. 1), amended in the second line and inserting in lieu thereof the words "Middlesex and Welland", so that the subsection shall read as follows:

(1) A junior judge may be appointed for each of the Junior judges counties of Carleton, Middlesex and Welland and for each of the districts of Sudbury and Thunder Bay.

2. This Act comes into force on the day it receives Royal Commence-ment Assent.

3. This Act may be cited as *The County Judges Amendment* Short title *Act, 1953*.

CHAPTER 25

An Act to repeal The County Publicity Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Publicity Act* is repealed.
2. This Act may be cited as *The County Publicity Repeal Act, 1953*.

Rev. Stat.
c. 77,
repealed

Short title

CHAPTER 26

The Credit Unions Act, 1953

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "amendment of a by-law" includes a new by-law and a resolution revoking a by-law;
- (b) "by-laws" means by-laws approved under this Act and includes any amendment of a by-law approved under this Act;
- (c) "land" includes hereditaments and chattels real, and any interest therein;
- (d) "meeting" includes a meeting of delegates appointed by members;
- (e) "officer" includes treasurer, secretary, member of the board of directors, manager, or servant, other than a servant appointed by the board of directors, of a credit union;
- (f) "persons claiming through a member" includes the heirs, executors, administrators and assigns of a member;
- (g) "property" includes all real and personal estate;
- (h) "registrar" means registrar of credit unions appointed for the purposes of this Act;
- (i) "regulations" means regulations made under this Act;
- (j) "Superintendent" means Superintendent of Insurance. R.S.O. 1950, c. 79, s. 1; 1951, c. 83, s. 3, *amended*.

Applications
subject to
approval of
Provincial
Secretary

2. All applications under this Act shall be subject to the approval of the Provincial Secretary after consideration of the compliance of the application with this Act and of all circumstances connected therewith, and the Provincial Secretary or any officer of his department to whom an application is referred may, for the purpose of any inquiry into such circumstances and the sufficiency and regularity of the application, take evidence in writing under oath. R.S.O. 1950, c. 79, s. 3, *amended*.

Idem

3. All applications to the Provincial Secretary for incorporation shall be by memorandum of association, verified by affidavit or declaration, and a certificate of incorporation shall not be issued without the written approval of the Superintendent. R.S.O. 1950, c. 79, s. 4, *amended*.

Objects of
credit
unions

4. Credit unions may be incorporated having for their object and purpose,

- (a) the receiving of moneys on deposit from members and as payment for shares;
- (b) the making of loans to members with or without security for provident and productive purposes;
- (c) the making of loans to other credit unions;
- (d) the depositing of moneys with and making loans to any league incorporated under section 49 provided that no credit union shall deposit with or loan to any such league an amount in excess of 25 per cent of the total assets of the credit union; and
- (e) the investing of moneys to an extent not exceeding 25 per cent of its capital, in the paid-up shares of other credit unions or of any league incorporated under section 49. R.S.O. 1950, c. 79, s. 5.

Number
necessary to
incorporate

5.—(1) Any number of persons not less than twenty, capable of contracting, may be incorporated as a credit union. R.S.O. 1950, c. 79, s. 6 (1).

Memoran-
dum of
association

(2) Such persons shall sign in duplicate before two witnesses a memorandum of association in the prescribed form, and both copies, with two copies of the by-laws, shall be forwarded to the Provincial Secretary. R.S.O. 1950, c. 79, s. 6 (2), *amended*.

Certificate
of incor-
poration

6.—(1) Upon receipt of the documents mentioned in subsection 2 of section 5, the Provincial Secretary may, in his discretion, refuse to issue a certificate of incorporation, or may issue a certificate of incorporation.

(2) One copy of the memorandum of association shall be retained by the Provincial Secretary and the other copy of such memorandum, to which the certificate of incorporation shall be affixed, shall be forwarded to the credit union. Return of memorandum

(3) On and after the date of the certificate of incorporation, the credit union shall be a corporation under the name set forth in the certificate, and all property for the time being vested in any person in trust for the credit union shall be vested in the credit union and the certificate of incorporation and the by-laws of the credit union, together with this Act, shall constitute the charter of the credit union. Date of incorporation; vesting of property

(4) The Provincial Secretary shall cause notice of the issue of a certificate of incorporation to be given in *The Ontario Gazette* and to the Superintendent. R.S.O. 1950, c. 79, s. 7, *amended*. Notice

7. The production of a copy of *The Ontario Gazette* containing the notice of incorporation of a credit union is conclusive evidence that the credit union was duly incorporated. R.S.O. 1950, c. 79, s. 8. Evidence of incorporation

8. The membership of a credit union shall be limited to persons having a common bond of occupation or association or to persons within a well-defined neighbourhood or community. R.S.O. 1950, c. 79, s. 9. Membership

9.—(1) Every credit union shall have a registered office to which all communications and notices shall be sent, and the credit union shall send to the registrar written notice in duplicate of the location of its registered office and of every change of the location. R.S.O. 1950, c. 79, s. 10, *amended*. Registered office of credit union

(2) The registrar shall transmit one copy of such notice to the Provincial Secretary. *New*. Idem

10. A credit union may by by-law provide for the holding, purchasing or leasing in its own name of land and for the sale, exchange or leasing thereof or the erection of buildings thereon. R.S.O. 1950, c. 79, s. 11. Power to hold land

11. No credit union shall be incorporated under a name identical with that of any other credit union or of any corporation or organization or under a name so nearly resembling that of any other credit union, corporation or organization as, in the opinion of the Provincial Secretary, to be likely to deceive. R.S.O. 1950, c. 79, s. 12, *amended*. Name

"Limited"
in name

12. The word "Limited" shall be the last word of the name of every credit union. R.S.O. 1950, c. 79, s. 13.

Use of words
"credit
union"

13. Every person, not being a credit union to which this Act applies, that trades or carries on business under a name or title of which the words "credit union" form a part is guilty of an offence under this Act. R.S.O. 1950, c. 79, s. 14, *amended*.

Change of
name, by
Provincial
Secretary

14.—(1) The Provincial Secretary may at any time by order change the name of any credit union where he deems it to be identical with the name of any other credit union or any corporation or organization or so nearly to resemble any such name as to be likely to deceive or for any other reason he deems to be objectionable. R.S.O. 1950, c. 79, s. 15 (1), *amended*.

Idem

(2) A credit union may, if authorized by a resolution passed by two-thirds of its members present at a general meeting called for that purpose, apply to the Provincial Secretary for an order changing its name.

Notice

(3) The Provincial Secretary shall cause notice of the change of name of a credit union to be given in *The Ontario Gazette*.

Effect of
change of
name

(4) A change of name of a credit union does not affect any right or obligation of the credit union or of any member thereof, and any pending legal proceedings may be continued by or against the credit union notwithstanding the change. *New*.

By-laws

15. By-laws of a credit union may,

- (a) prescribe the purposes for which the profits of the credit union may be appropriated;
- (b) prescribe the maximum number of shares that may be held by a member of the credit union;
- (c) prescribe the maximum amount that may be deposited by or loaned to a member thereof;
- (d) provide for the expulsion and withdrawal of members thereof;
- (e) prescribe the form of any instrument necessary for carrying the purposes of the credit union into effect; and
- (f) provide for such other matters as may be authorized by the regulations. R.S.O. 1950, c. 79, s. 16.

16.—(1) No by-law or amendment of a by-law is valid until it has been approved by the registrar, for which purpose two copies thereof, signed by three members and the secretary or by the president and the secretary, shall be sent to the registrar. Approval of by-laws

(2) The registrar, on being satisfied that a by-law or amendment of a by-law has been duly passed by the credit union, may approve it. Idem R.S.O. 1950, c. 79, s. 17.

17. The by-laws of the credit union bind the credit union and every member thereof and every person claiming through a member to the same extent as if such member had subscribed his name and affixed his seal thereto and as if there were contained in such by-laws a covenant on the part of the member, his heirs, executors, administrators and assigns to conform thereto subject to this Act. By-laws, effect of R.S.O. 1950, c. 79, s. 18.

18. A copy of the by-laws of the credit union shall be delivered by the credit union to every member on demand on payment of a sum fixed by the by-laws. Copies of by-laws R.S.O. 1950, c. 79, s. 19.

19. A credit union may create a capital divided into shares, and the amount thereof, the number of shares, and the payments thereon, shall be determined by its by-laws, but the amount of each share shall in no case exceed \$10. Capital, how created R.S.O. 1950, c. 79, s. 20.

20. The capital of the credit union may, subject to the by-laws, be increased by subscriptions for new shares or the admission of new members, and it may be diminished by withdrawals. Capital, how increased and diminished R.S.O. 1950, c. 79, s. 21.

21. Any corporation may become a member of a credit union, but no loan shall be made to any such corporation unless the loan has been approved by a joint meeting of the board of directors, credit committee and supervisory committee of the credit union. Loans to corporations R.S.O. 1950, c. 79, s. 22.

22. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, or other corporation. Votes R.S.O. 1950, c. 79, s. 23.

23. A person under the age of twenty-one years may, subject to the limitations of the by-laws, be a member of a credit union, and every such person may enjoy all the rights Members under 21

of a member, except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union. R.S.O. 1950, c. 79, s. 24.

Register of
members
and shares

24. Every credit union shall keep a register or list of members and shares which shall be *prima facie* evidence of any of the following matters entered therein:

1. The names and addresses of the members and the number of shares held by each member.
2. The date at which the name of any person or corporation was entered in the register or list as a member.
3. The date at which any person or corporation ceased to be a member. R.S.O. 1950, c. 79, s. 25.

Recovery
of moneys
payable by
member

25.—(1) All moneys payable by a member to a credit union are a debt due from the member to the credit union and are recoverable as such in any court of competent jurisdiction.

Credit union
has lien
on shares

(2) A credit union has a lien on the shares and deposits of any member for any debt due to it by him, and may set off any sum standing to the credit of such member on the books of the credit union in or towards the payment of such debt. R.S.O. 1950, c. 79, s. 26.

Guarantee
fund

26.—(1) Every credit union shall set aside at least 20 per cent of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectable loans and losses, but where at the close of any fiscal year the amount set aside for the guarantee fund equals at least 10 per cent of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year.

Educational
fund

(2) A credit union may by by-law provide that, after making provision for the guarantee fund and before declaring a dividend, an amount not exceeding 5 per cent of the net earnings shall be set aside in a special fund to be used for such educational purposes as may be specified in the by-law. R.S.O. 1950, c. 79, s. 27.

Advances to
members
only

27.—(1) No credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

(2) Interest together with all charges and penalties shall ^{Interest rate on loans} not exceed 1 per cent per month on the unpaid balance of any loan.

(3) No officer or member of a committee or of the board of directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid-up shares and deposits unless such loan is approved by a two-thirds majority at a joint meeting of the board of directors, credit committee and supervisory committee. R.S.O. 1950, c. 79, s. 28. ^{Loans to officers, etc.}

28.—(1) Every credit union shall at its first general meeting elect from its members a board of directors of at least five members who shall hold office for such term as the by-laws prescribe and until their successors are elected. ^{Board of directors}

(2) The board of directors shall perform such duties as may ^{Duties of board} be prescribed by this Act, the regulations, and the by-laws of the credit union. R.S.O. 1950, c. 79, s. 29.

29.—(1) Every credit union shall at its first general meeting elect from its members a credit committee of at least three members, who shall not be members of the board of directors or the supervisory committee or officers of the credit union and who shall hold office for such term as the by-laws prescribe and until their successors are elected, but if the by-laws so provide the president shall be a member *ex officio* of the credit committee. ^{Credit committee}

(2) It shall be the duty of the credit committee to consider all applications for loans and to approve all loans of the credit union. R.S.O. 1950, c. 79, s. 30 (1, 2). ^{Duties of committee}

(3) The credit committee may upon such terms as it may determine authorize the treasurer or manager, without obtaining its approval, to make loans in amounts not exceeding \$25 for periods not exceeding one month and in amounts not exceeding the shares and deposits of the borrower less any debts owing by him to the credit union. R.S.O. 1950, c. 79, s. 30 (3), *amended*. ^{When approval not required}

(4) The credit committee shall not approve any loan that is greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union. R.S.O. 1950, c. 79, s. 30 (4). ^{Maximum loans not to be exceeded}

30.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or credit committee or officers of the credit union. ^{Supervisory committee}

Tenure of
office

(2) The members of the supervisory committee shall hold office for such term as the by-laws prescribe and until their successors are elected.

Duties

(3) The supervisory committee shall, from time to time, examine and audit the books of the credit union and deposit books of the members and shall check the cash investments and securities of the credit union.

Misappropriation of
funds

(4) In the event of any of the funds, securities or other property of the credit union being misappropriated or otherwise misdirected from their proper use, or in the event of any of the by-laws of the credit union being contravened by the board of directors or credit committee, or any member thereof, or by any officer or employee engaged by the board of directors, the supervisory committee shall forthwith call a general meeting of the credit union, and pending the holding of the meeting the committee may suspend any member of the board of directors or credit committee or any officer or employee engaged by the board of directors, and may appoint a member of the credit union to perform the duties of any person so suspended, until the meeting of the credit union.

Idem

(5) The supervisory committee shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property or any improper diversion thereof and the reasons for any suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, the person shall be reinstated forthwith.

Annual
report

(6) The supervisory committee shall submit a written report to each annual general meeting. R.S.O. 1950, c. 79, s. 31.

Payments
to officers

31. All payments to officers of the credit union for services rendered shall be approved by the board of directors. R.S.O. 1950, c. 79, s. 32.

Bond of
officers

32. Every officer or employee engaged by the board of directors of a credit union who receives or has charge of money shall before assuming the duties of his office furnish a bond for the due accounting of moneys received by him and the faithful performance of his duties with such sureties and in such form and amount as the board of directors determine. R.S.O. 1950, c. 79, s. 33.

Investment
of funds

33.—(1) The funds of a credit union that are not required for the purposes of section 4 or for the guarantee fund shall be invested,

(a) in any investment that is authorized by *The Companies Act* for the investment of the funds of a joint stock insurance company; or

(b) in any investment other than those set out in section 4 where such investment is approved by a resolution passed by a two-thirds majority of those present at a meeting of the members called for the purpose, but in no case shall a resolution under this clause affect more than 10 per cent of the share capital and deposits of the credit union and in no case shall the aggregate of all investments of the credit union under this clause exceed 25 per cent of its share capital and deposits. R.S.O. 1950, c. 79, s. 34 (1).

(2) Any investment made by a credit union before the 7th day of June, 1949, that does not comply with this section may be retained by the credit union but shall be disposed of at such time as may be determined by the Superintendent. R.S.O. 1950, c. 79, s. 34 (2), *amended*.

(3) A credit union that has invested any part of its funds in the shares or on the security of any other corporation may appoint as proxy any one of the members of such credit union.

(4) The proxy shall, during the continuance of his appointment, be deemed to be the holder of any such shares for all purposes except the transfer of such shares, or the giving of receipts for any dividend thereon. R.S.O. 1950, c. 79, s. 34 (3, 4).

34. The board of directors of a credit union may pass resolutions for borrowing money, but nothing in this section or sections 35 to 37 applies to loans made upon the security of promissory notes, bills of exchange or other securities of a commercial nature issued in the ordinary course of business. R.S.O. 1950, c. 79, s. 35.

35. A credit union shall not borrow an amount in excess of 50 per cent of its capital, deposits and surplus. R.S.O. 1950, c. 79, s. 36.

36. No resolution referred to in section 34 takes effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by proxy at a general meeting of the credit union, duly called for considering the resolution by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the credit union; but no confirmation of any such resolution is required when the total sum borrowed does not exceed 25 per cent of the capital, deposits and surplus of the credit union. R.S.O. 1950, c. 79, s. 37.

Mortgaging
assets

37.—(1) The board of directors may charge, hypothecate, mortgage or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts, to secure any liability of the credit union authorized by resolution and confirmed as herein provided.

Effect of
receipt

(2) No assignee, mortgagee, pledgee, chargee or hypothec holder is bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothec by a credit union, and the receipt of the credit union is a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security. R.S.O. 1950, c. 79, s. 38.

Member
may appoint
successor

38.—(1) A member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 may, by a writing signed by him and deposited with the credit union, nominate any person to receive the money at his death.

Substitution
of nominee
on death of
member

(2) Upon receiving an affidavit of the death of a member, the directors of the credit union may substitute on the books of the credit union the name of the nominee in place of the deceased member or may pay immediately to the nominee the amount due to the deceased member. R.S.O. 1950, c. 79, s. 39.

Disposition
of moneys
of intestate
members

39.—(1) If a member of a credit union having on deposit and as payment for shares an amount not exceeding \$500 dies intestate without making a nomination as provided in section 38, the amount may, without letters of administration being taken out, be paid to the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Rev. Stat.,
c. 103

Payment by
mistake,
when valid

(2) When the directors, after the death of a member, have paid such amount to the person who at the time appeared to be entitled thereto under the belief that the member died intestate, without having appointed any nominee, the payment is valid and effectual with respect to any demands from any other person as next-of-kin or as the lawful representative of the deceased against the credit union, but the next-of-kin or representative is entitled to recover the amount of such payment from the person who received it. R.S.O. 1950, c. 79, s. 40.

Annual
meeting

40.—(1) The annual meeting of the credit union shall be held at such time and place as its by-laws provide, and in default of provisions in that behalf the annual meeting shall be held at its registered office on the fourth Wednesday in January.

Business
to be dealt
with

(2) At such meeting the board of directors shall place before the credit union,

(a)

- (a) a balance sheet made up to a date not more than three months before such meeting;
- (b) a statement of income and expenditure for the financial period ending upon the date of such balance sheet;
- (c) the report of the supervisory committee; and
- (d) such further information respecting the credit union's financial position as the by-laws require.

(3) The balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities: What balance sheet to show

- 1. Cash.
- 2. Debts owing to the credit union from its members.
- 3. Land and buildings.
- 4. Debts owing by the credit union secured by mortgage or other lien upon its property.
- 5. Debts owing by the credit union but not secured.
- 6. Amount received on shares.
- 7. Amount held on deposit. R.S.O. 1950, c. 79, s. 41.

41. Every credit union shall without charge supply to every member or other person interested in its funds, upon application therefor or as provided by its by-laws, a copy of its last annual balance sheet and return. Annual statement to be given to members R.S.O. 1950, c. 79, s. 42.

42.—(1) Except as provided in this Act, no member or other person has any right to inspect the books of the credit union. Inspection of books

(2) Any member or other person having an interest in the funds of the credit union may inspect his own account and the books containing the names of the members at all reasonable hours at its registered office or at whatever other place they are kept, subject to such conditions as to time and manner of inspection as the by-laws prescribe Idem

(3) The credit union may by by-law authorize the inspection of any of its books therein mentioned, in addition to the books containing the names of members, under such conditions as are thereby prescribed, and no person, unless As to loan or deposit accounts of members

he is an officer of the credit union or is specifically authorized by a resolution thereof, has the right to inspect the loan or deposit account of any other member without his written consent. R.S.O. 1950, c. 79, s. 43.

Disputes

43. Every dispute not of a pecuniary character, and every dispute of a pecuniary character in which the amount involved or in dispute does not exceed \$100, between a member of a credit union or any person aggrieved who has for not more than six months ceased to be a member of the credit union, or any person claiming through any such member or person, or claiming under the by-laws of the credit union, and the credit union or any officer thereof, shall be decided in the manner prescribed by its by-laws where its by-laws provide therefor. R.S.O. 1950, c. 79, s. 44.

Examination
by registrar;
special
meeting

44.—(1) Upon the application of one-tenth of the members of a credit union, or of 100 members in the case of a credit union having more than 1,000 members, the Superintendent may,

(a) direct the registrar to examine into and report upon the affairs of the credit union;

(b) call a special meeting of the credit union.

Notice

(2) Every such application shall be supported by such evidence as the Superintendent may require, and the Superintendent may require that notice in such form and manner as he may prescribe shall be given to the credit union or the members thereof.

Security
for costs

(3) The Superintendent may require the applicant to furnish security for the costs of the examination or meeting.

Expenses,
how
defrayed

(4) All expenses of and incidental to the examination or meeting shall be defrayed by the persons applying therefor or out of the funds of the credit union, or by the members or officers or former members or officers of the credit union, as the Superintendent directs.

Special
meeting

(5) The Superintendent may direct the time and place at which the special meeting shall be held and may prescribe the matters that shall be discussed and determined at the meeting, and all the provisions of the by-laws of the credit union relating to general meetings apply to the special meeting. R.S.O. 1950, c. 79, s. 45, *amended*.

Annual
statements

45. A credit union shall on or before the 1st day of March in each year deliver to the registrar, in duplicate, in the form

prescribed

prescribed by him, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as he may require. R.S.O. 1950, c. 79, s. 46, *amended*.

46.—(1) A credit union shall furnish the registrar with ^{Information for registrar} such statements with respect to its business, finances and other affairs and with such other information as he may require.

(2) The statement and other information required shall be ^{Verification} certified by the supervisory committee and shall be verified by the affidavit of the president and the treasurer or manager.

(3) The registrar or any person authorized by the Superintendent may inspect and examine into the conditions and affairs of any credit union and shall be given access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with this Act, and the officers and employees shall facilitate such inspection and examination. ^{Inspection}

(4) The registrar or any person authorized by the Superintendent may examine under oath officers, employees, members and members of any board of any credit union in order to obtain any information that he deems necessary for the purpose of any inspection or examination, and upon such inspection or examination the registrar or any person so authorized has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. ^{Examination under oath}

(5) The registrar may, and at the request of the Superintendent shall, prepare from statements filed by the credit unions and from inspections and examinations, a report showing particulars of the business of each credit union and every such report may be printed and if printed shall be published forthwith. R.S.O. 1950, c. 79, s. 47, *amended*. ^{Rev. Stat., c. 308}

47. The Superintendent may order a credit union to ^{Suspension of business} discontinue doing business for such time as he may determine if, after an inspection thereof, he is satisfied that the continuance in business of such credit union is not in the public interest. *New*.

48.—(1) Any credit union that deems itself aggrieved by ^{Appeal} any decision of the Superintendent may appeal therefrom to the Court of Appeal.

(2) The appeal shall be set down for argument at the first ^{When to be set down} sitting of the Court of Appeal that commences after the expiration of thirty days from the decision complained of.

Procedure

(3) The practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Record

(4) The Superintendent shall certify to the Registrar of the Supreme Court the decision appealed from, his reasons therefor, and the documents, information and material he had before him in making such decision. *New.*

Incorporation of league

49.—(1) Ten or more credit unions may be incorporated as a league for the object and purpose of,

- (a) protecting and advancing the credit unions that are members of the league;
- (b) encouraging and assisting educational and advisory work relating to credit unions;
- (c) arranging for group bonding of credit union employees and ensuring repayment of loans made by credit unions to their members;
- (d) receiving moneys from its members either as payment on shares or as deposits; and
- (e) making loans to credit unions that are members of the league. R.S.O. 1950, c. 79, s. 48 (1).

Signature of president, treasurer or manager

(2) The president and the treasurer or manager of each of such credit unions shall sign in duplicate before two witnesses a memorandum of association in the prescribed form and both copies, accompanied by the proposed by-laws, shall be forwarded to the Provincial Secretary.

Certificate of incorporation of league

(3) Upon receipt of the documents mentioned in subsection 2, the Provincial Secretary may, in his discretion, refuse to issue a certificate of incorporation or may issue a certificate of incorporation and subsections 2, 3 and 4 of section 6 apply *mutatis mutandis* where such certificate is issued. R.S.O. 1950, c. 79, s. 48 (2, 3), *amended*.

Evidence of incorporation of league

(4) The production of a copy of *The Ontario Gazette* containing the notice of incorporation of the league is conclusive evidence that the league is duly incorporated.

By-laws of league

(5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the registrar.

(6) A credit union that is a member of a league may by ^{Assessment of members for league} by-law provide for a yearly assessment of each of its members of an amount not to exceed 50 cents, which amounts shall be forwarded to the league to assist in its financing. R.S.O. 1950, c. 79, s. 48 (4-6).

50.—(1) A credit union may by an instrument in writing ^{Dissolution} signed by two-thirds of its members or by a resolution passed by two-thirds of its members present at a general meeting called for that purpose authorize its dissolution.

(2) The instrument or resolution shall also set forth the ^{Contents of instrument or resolution} liabilities and assets of the credit union, the number of its members and the nature of their respective interests in the credit union, the claims of creditors, if any, and the provision to be made for their payment, and the intended appropriation or division of the property of the credit union unless the appropriation or division is by the instrument or resolution to be left to the award of the Superintendent.

(3) The credit union shall send a copy of such instrument or ^{Notice of instrument or resolution} resolution to the Superintendent and shall give notice of the instrument or resolution in *The Ontario Gazette* and in a newspaper having a general circulation in the locality in which the registered office of the credit union is situated.

(4) Where the credit union has no liabilities and has ^{Order of dissolution} appropriated or divided its property pursuant to the instrument or resolution, the Provincial Secretary may by order declare the credit union to be dissolved on such date as the order may fix.

(5) The Provincial Secretary shall cause notice of the ^{Notice of dissolution} dissolution of the corporation to be given in *The Ontario Gazette* and shall advise the Superintendent thereof. R.S.O. 1950, c. 79, s. 49, *amended*.

51.—(1) The Provincial Secretary may by order dissolve ^{Dissolution by Provincial Secretary} a credit union if he is satisfied that,

- (a) its incorporation was obtained by fraud or mistake;
- (b) it exists for an illegal purpose;
- (c) the number of its members is reduced to less than twenty;
- (d) it is not carrying on business or is not in operation; or
- (e) it has, after notice by the registrar, violated any of the provisions of this Act.

Notice by
Provincial
Secretary

(2) The Provincial Secretary shall give the credit union not less than two months notice of the proposed dissolution, specifying the reason therefor and stating that unless cause is shown to the contrary within such period it will be dissolved.

Order of
dissolution

(3) At the expiration of the time mentioned in the notice, the Provincial Secretary may, unless cause to the contrary is previously shown by the credit union, by order declare the credit union to be dissolved on such date as the order may fix.

Notice of
dissolution

(4) The Provincial Secretary shall cause notice of the dissolution of the corporation to be given in *The Ontario Gazette* and shall advise the Superintendent thereof. R.S.O. 1950, c. 79, s. 50, *amended*.

Amalgama-
tion of
credit
unions

52.—(1) Any two or more credit unions to which this Act applies may amalgamate and continue as one credit union.

Joint
agreement
between
credit unions
proposing
to amal-
gamate, etc.

(2) The credit unions proposing to amalgamate may enter into an agreement for the amalgamation prescribing the terms and conditions of the amalgamation, the mode of carrying the amalgamation into effect, and stating the name of the amalgamated credit union, the names, callings, and places of residence of the first directors thereof and how and when the subsequent directors are to be elected with such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated credit union, and the par value of each share, and the manner of converting the share capital of each of the amalgamating credit unions into that of the amalgamated credit union.

Submission
to members
of credit
unions

(3) The agreement shall be submitted to the members of each of the amalgamating credit unions at general meetings thereof called for the purpose of considering the agreement, and if two-thirds of the votes cast at each such meeting are in favour of the adoption of the agreement, that fact shall be certified upon the agreement by the secretary of each of the amalgamating credit unions under the corporate seal thereof.

Application
for cer-
tificate of
amalgama-
tion

(4) If the agreement is adopted in accordance with subsection 3, the amalgamating credit unions may apply jointly to the Provincial Secretary for a certificate of amalgamation.

Certificate
of amal-
gamation

(5) The Provincial Secretary may, in his discretion, issue a certificate of amalgamation and on and after the date of the certificate, such amalgamating credit unions are amalgamated and are continued as one credit union under the name set forth in the certificate, and the amalgamated credit union possesses all the property, rights, privileges and franchises

and

and is subject to all the liabilities, contracts, disabilities and debts of each of the amalgamating credit unions.

(6) The Provincial Secretary shall cause notice of the issue ^{Notice} of the certificate of amalgamation to be given in *The Ontario Gazette* and to the Superintendent. *New.*

53. Where proceedings are taken under the *Winding-up Act* ^{Notice of winding-up proceedings} (Canada) in respect of a credit union, the secretary shall send notice thereof to the registrar by registered letter. R.S.O. ^{R.S.C. 1927, c. 213} 1950, c. 79, s. 52.

54.—(1) Every credit union that fails to comply with ^{Offences, of credit unions} any of the provisions of this Act or the regulations or which makes any return or furnishes any information required to be made or furnished under this Act or the regulations containing any false statement is guilty of an offence.

(2) Every offence by a credit union under this Act shall be deemed to have been also committed by every officer of the credit union who is bound by its by-laws to fulfill the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the board of directors unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence, and every act or default under this Act constituting an offence, if continued, constitutes a new offence in every week during which it continues. ^{of officers and others}

(3) Any credit union or other person guilty of an offence ^{Penalties} under this Act is liable on summary conviction to a penalty of not less than \$20 and not more than \$200 for every such offence and, in the case of a person other than a credit union, in default of payment such person is liable to imprisonment for a term of not more than three months. R.S.O. 1950, c. 79, s. 53.

55. The Lieutenant-Governor in Council may make regu- ^{Regulations} lations,

- (a) prescribing the procedure and forms to be used under this Act;
- (b) providing and prescribing the fees payable for incorporation of credit unions and for the filing of any memorandum of association, return or other document required or permitted to be filed under this Act;

(c)

- (c) respecting the holding of first meetings, the notice calling the meeting, the quorum, and the business to be transacted;
- (d) governing credit unions and leagues of credit unions;
- (e) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 79, s. 54, *amended*.

Application
of Act

56.—(1) This Act, except in so far as it is otherwise expressly declared, applies to,

- (a) co-operative credit societies incorporated under *The Co-operative Credit Societies Act*, being chapter 64 of the Statutes of Ontario, 1922;
- (b) co-operative credit societies and credit unions incorporated under *The Co-operative Credit Societies Act*, being chapter 258 of the Revised Statutes of Ontario, 1937, or *The Credit Unions Act*, being chapter 258 of the Revised Statutes of Ontario, 1937, as amended by chapter 12 of the Statutes of Ontario, 1939;
- (c) credit unions incorporated under *The Credit Unions Act*, 1940, as amended from time to time;
- (d) credit unions incorporated under *The Credit Unions Act*, being chapter 79 of the Revised Statutes of Ontario, 1950;
- (e) credit unions incorporated under this Act.

Certain
societies
deemed
credit
unions

(2) Every co-operative credit society incorporated under *The Co-operative Credit Societies Act*, being chapter 64 of the Statutes of Ontario, 1922, or *The Co-operative Credit Societies Act*, being chapter 258 of the Revised Statutes of Ontario, 1937, shall for the purposes of this Act be deemed a credit Union. R.S.O. 1950, c. 79, s. 55, *amended*.

Rev. Stat.,
c. 79, 1951,
c. 83, s. 3,
repealed

57. *The Credit Unions Act* and section 3 of *The Statute Law Amendment Act, 1951* are repealed.

Commence-
ment

58. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

59. This Act may be cited as *The Credit Unions Act, 1953*.

CHAPTER 27

An Act to amend The Department of Education Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Department of Education Act* is amended by striking out the words "normal schools", in the second line and inserting in lieu thereof the words "teachers' colleges", so that the subsection shall read as follows:

Rev. Stat.,
c. 94, s. 3,
subs. 2,
amended

- (2) The Minister shall have the management and control of model schools, teachers' colleges, the college of education, teachers' institutes, summer and vacation schools and schools for the education of the deaf and dumb and the blind.

Manage-
ment of
schools and
institutions

2.—(1) Clause *u* of subsection 1 of section 4 of *The Department of Education Act* is amended by striking out the words "normal schools" in the third line and inserting in lieu thereof the words "teachers' colleges", so that the clause shall read as follows:

Rev. Stat.,
c. 94, s. 4,
subs. 1, cl. *u*,
amended

- (*u*) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, teachers' colleges and model schools.

(2) Subsection 1 of the said section 4 is amended by adding thereto the following clause:

Rev. Stat.,
c. 94, s. 4,
subs. 1,
amended

- (*ze*) providing for assistance in the payment of the cost of education of children under eighteen years of age, whose mental capacity is incapable of development beyond that of a child of normal mentality at eight years of age, in classes conducted by parents' groups which are affiliated with the Ontario Association for Retarded Children.

Rev. Stat.,
c. 94, s. 4,
subs. 2,
amended

(3) Subsection 2 of the said section 4 is amended by adding thereto the following clause:

- (k) governing the granting of municipal recreation directors' interim and permanent certificates and the cancellation thereof, and providing for the renewal of municipal recreation directors' interim certificates for not more than two 2-year periods.

Rev. Stat.,
c. 94, s. 5,
amended

3. Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1951*, is further amended by adding thereto the following subsection:

Termination
of contract
where wel-
fare of
school
involved
1953,
c. 96

- (2) Notwithstanding *The School Trustees' and Teachers' Boards of Reference Act, 1953* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises which in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract shall become terminated at the expiration of thirty days from the date the notice is given; or

- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract shall thereupon become terminated.

Commence-
ment

4.—(1) This Act, except section 1 and subsection 1 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 and subsection 1 of section 2 come into force on the 1st day of September, 1953.

Short title

5. This Act may be cited as *The Department of Education Amendment Act, 1953*.

CHAPTER 28

An Act to amend The Deserted Wives' and Children's Maintenance Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Deserted Wives' and Children's Maintenance Act* Rev. Stat.,
c. 102,
amended
is amended by adding thereto the following section:

- 8a.—(1) Where a complaint has been laid against a person under this Act and that person fails to appear to answer to the complaint, a judge of the juvenile court or magistrate having jurisdiction to hear the complaint in the locality in which the information was laid may, instead of issuing a warrant to compel such person's attendance or taking any other action that might be taken under this Act or otherwise, in his absence and without further notice to him, hear the evidence and if satisfied of the justice of the complaint and that the person is resident in another locality in Ontario, make any order that he might have made if such person had appeared before him to answer to the complaint, but in such case the order shall be provisional only and shall have no effect unless and until confirmed by a judge of the juvenile court or magistrate having jurisdiction in the locality in which such person resides. Provisional order
- (2) If the testimony of a witness at the hearing is not taken in shorthand, it shall be put into the form of a deposition which shall be read over and signed by the witness and by the judge or magistrate presiding at the hearing. Depositions and transcripts
- (3) Where an order is made under subsection 1, the judge or magistrate, as the case may be, shall send to a judge of the juvenile court or magistrate having jurisdiction in the locality in which the person against whom the order is made resides, Transmission of documents

- (a) a copy of the complaint certified by the judge or magistrate to be a true copy;
- (b) a copy of the order certified by the judge to be a true copy;
- (c) a copy of the transcript of the evidence certified by the court stenographer to be a true copy, or where the evidence was not taken in shorthand, the depositions referred to in subsection 2;
- (d) a statement, signed by the judge or magistrate, containing such information as is available for facilitating the identification of the person against whom the order is made and ascertaining his whereabouts.

Issue of
summons

- (4) The judge or magistrate to whom the documents mentioned in subsection 3 are sent may issue a summons calling upon the person named in the order to appear and show cause why the order should not be confirmed.

Confirma-
tion of order

- (5) At the hearing it shall be open to the person named in the order to raise any defence that he might have raised in the original proceedings, but if on appearing he fails to satisfy the judge or magistrate that the order ought not to be confirmed, the judge or magistrate may confirm the order without modification or with such modification as he considers proper having regard to all the evidence.

Adjourn-
ment for
further
evidence

- (6) Where the person mentioned in the order appears before the judge or magistrate and satisfies him that for the purpose of any defence or for the taking of further evidence or otherwise it is necessary to remit the case to the judge or magistrate who made the order, the judge or magistrate may so remit the case and adjourn the proceedings for that purpose.

Where
order not
confirmed

- (7) Where the person named in the order appears before the judge or magistrate and the judge or magistrate, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, he may remit the case to the judge or magistrate who made the order together with a statement signed by him of his reasons for so doing, and in that event the judge or magistrate who made the order may proceed with the case as though the order had not been made.

- (8) Where an order has been confirmed under this section, it may be varied or rescinded in like manner as if it were made originally by the confirming judge or magistrate, and where on an application for variation or rescission the judge or magistrate is satisfied that it is necessary to remit the case to the judge or magistrate who made the order for the purpose of taking further evidence, he may so remit the case and adjourn the proceedings for that purpose. Variation and rescission of order, remission of case, after confirmation
- (9) No appeal shall lie from a provisional order made under this section, but where an order is confirmed under this section, the person bound thereby has the same right of appeal as he would have if the order had been made under section 1 or 2. Right of appeal
- (10) An order that has been confirmed under this section shall be deemed to be an order of the judge or magistrate who confirmed it and the officers of his court shall take all proper steps to enforce it. Effect of confirmation
- (11) Any document under this section purporting to be signed by a judge or magistrate or by a court stenographer shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or official character of the person appearing to have signed it and any such document shall be admissible in evidence. Proof of documents; admissibility in evidence

2. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1953*. Short title

CHAPTER 29

An Act to amend The Devolution of Estates Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Devolution of Estates Act* is amended Rev. Stat., c. 103, s. 26, amended by adding at the commencement thereof the words and figures "Subject to subsection 1 of section 6 of *The Legitimation Act*", so that the section shall read as follows:

26. Subject to subsection 1 of section 6 of *The Legitimation Act*, an illegitimate child or relative shall not share under any of the provisions of this Act. Effect of illegitimacy
Rev. Stat., c. 203

2. Section 29 of *The Devolution of Estates Act* is amended Rev. Stat., c. 103, s. 29, amended by adding at the commencement thereof the words and figures "Subject to subsection 2 of section 6 of *The Legitimation Act* and", so that the section shall read as follows:

29. Subject to subsection 2 of section 6 of *The Legitimation Act* and except as otherwise provided in this Act, the personal property of a person dying intestate shall be distributed as follows: one-third to the wife of the intestate and all the residue by equal portions among the children of the intestate and such persons as legally represent the children in case any of them have died in his lifetime, and if there are no children or any legal representatives of them then two-thirds of the personal property shall be allotted to the wife, and the residue thereof shall be distributed equally to every of the next of kindred of the intestate who are of equal degree and those who legally represent them, and for the purpose of this section the father and the mother and the brothers and sisters of the intestate shall be deemed of equal degree; but there shall be no representations admitted among collaterals after brothers' and sisters' children, and if there is no wife then all such personal property shall be distri-

buted

buted equally among the children, and if there is no child then to the next of kindred in equal degree of or unto the intestate and their legal representatives and in no other manner; provided that if there is only one child or legal representatives of only one child the personal property of a person dying intestate shall be distributed as follows: one-half to the wife of the intestate and the other half to the child or the legal representatives of the child.

Short title

3. This Act may be cited as *The Devolution of Estates Amendment Act, 1953*.

CHAPTER 30

An Act to amend The Division Courts Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 195 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 106, s. 195, subs. 1, re-enacted

(1) The clerk shall pay every juror actually attending a sittings of a division court the sum of \$6 per day for every day on which he was necessarily absent from his place of residence for the purpose of attending the court, and the sum of 10 cents for every mile he necessarily travelled from his place of residence to the court. Jurors' fees and mileage

2. Clause *f* of subsection 1 of section 197 of *The Division Courts Act* is repealed. Rev. Stat., c. 106, s. 197, subs. 1, cl. *f*, repealed

3. *The Division Courts Act* is amended by adding thereto the following section: Rev. Stat., c. 106, amended

197*a*. Where books, documents or papers have been preserved in a division court for so long that it appears they need not be preserved any longer, the judge may make an order authorizing the Inspector to cause their destruction. Destruction of documents

4. This Act may be cited as *The Division Courts Amendment Act, 1953*. Short title

CHAPTER 31

An Act to amend The Edible Oil Products Act, 1952

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Edible Oil Products Act, 1952* ^{1952, c. 26, s. 1, cl. b, re-enacted} is repealed and the following substituted therefor:

(*b*) “dairy product” means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk, that contains no fat or oil other than that of milk.

2. Section 2 of *The Edible Oil Products Act, 1952* is amended ^{1952, c. 26, s. 2, amended} by inserting after the word “Act” in the first line the words “subject to section 2*a*”, so that the section shall read as follows:

2. This Act, subject to section 2*a*, applies to every ^{Application of Act} edible oil product and class of edible oil product designated in the regulations.

3. *The Edible Oil Products, Act, 1952* is amended by ^{1952, c. 26, amended} adding thereto the following section:

2*a*.—(1) No person shall manufacture or sell any edible oil product, other than oleomargarine, manufactured by any process by which fat or oil other than that of milk has been added to or mixed or blended with a dairy product in such manner that the resultant edible oil product is an imitation of or resembles any dairy product. ^{Manufacture and sale of certain edible oil products prohibited}

(2) Subsection 1 does not prevent the use of chocolate or cocoa or any flavouring preparation that contains any fat or oil other than that of milk when used for the purpose of flavouring a dairy product, provided such fat or oil does not exceed one-half of 1 per cent by weight of the dairy product. ^{Flavouring exempted}

Commence-
ment

4. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

5. This Act may be cited as *The Edible Oil Products Amendment Act, 1953*.

CHAPTER 32

An Act to amend The Elderly Persons Housing Aid Act, 1952

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Elderly Persons Housing Aid Act, 1952*^{1952, c. 27, s. 1, amended} is amended by striking out the word "municipality" in the second line and inserting in lieu thereof the words "limited-dividend housing corporation that has been incorporated by or on behalf of a municipality or has been approved by a municipality and that has had a loan made to it under *The National Housing Act, 1944* (Canada)", so that the section shall read as follows:

1. The Minister of Public Welfare may grant aid to^{Grant to aid authorized} any limited-dividend housing corporation that has been incorporated by or on behalf of a municipality or has been approved by a municipality and that has had a loan made to it under *The National Housing Act, 1944* (Canada) to assist it in any project for the construction and equipment of low rental housing units for elderly persons.^{1944-45, c. 46 (Can.)}

2. Section 2 of *The Elderly Persons Housing Aid Act, 1952*^{1952, c. 27, s. 2, amended} is amended by striking out the words "to the municipality" in the third line and inserting in lieu thereof the words "exclusive of that part of the capital cost of the project that is financed by way of loan under *The National Housing Act, 1944* (Canada)", so that the section shall read as follows:

2. The amount of any such grant shall be calculated^{Amount} at the rate of \$500 for each dwelling unit or 50 per cent of the capital cost of the project exclusive of that part of the capital cost of the project that is financed by way of loan under *The National Housing Act, 1944* (Canada), whichever is the lesser.^{1944-45, c. 46 (Can.)}

Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Elderly Persons Housing Aid Amendment Act, 1953*.

CHAPTER 33

**An Act to provide for the Licensing and
Regulating of Elevators and Certain
Other Types of Lifts**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "attendant" means a person who operates an elevator or incline lift as the whole or a part of his normal duties;
- (b) "chief inspector" means the chief inspector appointed for the purposes of this Act;
- (c) "contractor" means a person who carries on the business of constructing, installing, altering, repairing, maintaining, servicing or testing elevators, dumb-waiters, escalators, manlifts or incline lifts or parts thereof;
- (d) "Department" means Department of Labour;
- (e) "dumb-waiter" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction, the total compartment height of which does not exceed four feet, that is loaded or unloaded and controlled manually, that is used exclusively for lifting or lowering freight and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;
- (f) "elevator" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure;

(g)

Rev. Stat.,
c. 292

(g) "engineer" means professional engineer as defined in *The Professional Engineers Act*;

(h) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for lifting or lowering persons and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;

(i) "existing installation" means an installation that is completed or commenced before this Act comes into force;

(j) "freight" means any substance, article or thing;

(k) "incline lift" means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline, and includes a ski lift and a ski tow;

(l) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;

Rev. Stat.,
c. 183

(m) "insurer" means person licensed under *The Insurance Act* to undertake public liability insurance;

(n) "licence" means a licence granted under this Act;

(o) "major alteration" means a major alteration as defined in the regulations;

(p) "manlift" means a mechanism affixed to a building or structure, that has a power-driven endless belt on which platforms or footholds are provided for lifting or lowering persons and that serves two or more floors or permanent levels of a building or structure, and includes its hoistway enclosure;

(q) "maximum capacity" means the number of persons or the weight that an elevator, dumb-waiter, escalator, manlift or incline lift may carry safely as determined under the regulations;

(r) "Minister" means Minister of Labour;

(s) "new installation" means an installation that is commenced after this Act comes into force;

(t) "owner" means the person in charge of an elevator, dumb-waiter, escalator, manlift or incline lift as

owner,

owner, tenant, agent or otherwise, but does not include an attendant as such;

(u) "regulations" means regulations made under this Act.

2. This Act does not apply to,

Where Act
does not
apply

(a) elevators, dumb-waiters, escalators, manlifts or incline lifts in private dwelling houses, unless the owner of any such mechanism requests that this Act be applied to it;

(b) elevators and hoists within the meaning of *The Rev. Stat., c. 236 Mining Act*;

(c) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;

(d) freight ramps or platforms with a rise of sixty inches or less;

(e) lubrication hoists or other similar mechanisms;

(f) piling or stacking machines used within one storey;

(g) temporary hoisting mechanisms used for raising and lowering persons or materials during the construction, repair, alteration or demolition of buildings, structures or works;

(h) any class or sub-class of elevator, dumb-waiter, escalator, manlift or incline lift excluded by the regulations.

3.—(1) The Lieutenant-Governor in Council may appoint ^{Inspectors,} a chief inspector and one or more inspectors to administer ^{appointment} and enforce this Act and the regulations.

(2) No person shall be appointed or act as an inspector ^{disqualification} who has any direct or indirect interest in the manufacture, sale, installation or maintenance of elevators, dumb-waiters, escalators, manlifts or incline lifts.

4. No person shall make an inspection of an elevator, dumb-waiter, escalator, manlift or incline lift who does not ^{Certificate of competency} hold a certificate of competency under this Act.

5. The Minister may authorize the chief inspector to ^{Special inspections} employ the services of any person who holds a certificate of competency under this Act to inspect any elevator, dumb-waiter, escalator, manlift or incline lift, in which case and

for

for such purpose only such person shall be deemed to be an inspector, and to report forthwith to him with respect thereto.

Annual
inspection
of elevators,
etc.

6.—(1) Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at least once annually by an inspector or by a representative of an insurer.

Idem

(2) Notwithstanding that the elevator, dumb-waiter, escalator, manlift or incline lift has been inspected by a representative of an insurer, the chief inspector may require at any time that it be inspected by an inspector.

Representa-
tive's
report

7.—(1) Where an inspection of an elevator, dumb-waiter, escalator, manlift or incline lift is made by a representative of an insurer, the insurer shall within thirty days after the inspection was made, send a copy of the representative's report thereof to the chief inspector, except that where the insurer's representative finds that the elevator, dumb-waiter, escalator, manlift or incline lift is in an unsafe condition, the insurer shall, within twenty-four hours of the receipt of his representative's report, send a copy thereof to the chief inspector.

Cancellation
or rejection
of insurance

(2) Where an insurer cancels or rejects insurance on an elevator, dumb-waiter, escalator, manlift or incline lift, he shall forthwith thereafter notify in writing the chief inspector of such cancellation or rejection together with the reasons therefor.

C.S.A.
Safety
Code

8. In carrying out their duties the inspectors shall, subject to this Act and the regulations,

- (a) apply the Safety Code for Passenger and Freight Elevators of the Canadian Standards Association, 1938 Edition, as re-affirmed and approved by the Association in 1951, to new installations of elevators, dumb-waiters and escalators;
- (b) apply such parts of such Safety Code to major alterations of elevators, dumb-waiters or escalators as the regulations require; and
- (c) apply such parts of such Safety Code to new installations or major alterations of incline lifts as the regulations require.

Right to
examine
persons
under oath

9. For the purpose of an inspection or an investigation under this Act, an inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine

such

such person under oath regarding any matter pertaining to such inspection or investigation.

10. An inspector, upon production of his certificate of appointment, may enter any premises where he has reason to believe that an elevator, dumb-waiter, escalator, manlift or incline lift is being installed or operated. Right to enter premises

11.—(1) An inspector may, by notice in writing, require an owner to prepare his elevator, dumb-waiter, escalator, manlift or incline lift, or any part of it, for inspection. Notice to prepare for inspection

(2) An inspector may require the owner of an elevator, dumb-waiter, escalator, manlift or incline lift to do or refrain from doing anything the inspector considers necessary during an inspection. Duty of owner during inspection

(3) An inspector may, by notice in writing, require an owner of an elevator, dumb-waiter, escalator, manlift or incline lift to do or refrain from doing, within the time specified in the notice, such things as the notice specifies in order to ensure compliance with this Act and the regulations. Notice to comply with Act

12.—(1) Any person who deems himself aggrieved by a notice or order of an inspector may, within ten days after receipt of the notice or order, appeal in writing to the Minister who shall, upon notice to all interested persons, hear the appeal and make an order approving, disapproving or varying the notice or order appealed against. Appeal to Minister

(2) The making of an appeal under this section does not affect the suspension or revocation of a licence pending the disposition of the appeal by the Minister. Suspension of licence not affected

13.—(1) The chief inspector may grant a licence for any elevator, dumb-waiter, escalator, manlift or incline lift and may suspend, revoke or transfer any such licence. Issue, etc., of licences

(2) The licence shall designate the elevator, dumb-waiter, escalator, manlift or incline lift for which it is granted and the maximum capacity thereof. Contents

(3) The licence is valid for the calendar year for which it is granted, unless sooner suspended or revoked. Term

(4) The licence for an elevator shall be kept by the owner in a conspicuous position in the car of the elevator for which it is granted and any other licence shall be kept by the owner in a conspicuous position on or adjacent to the dumb-waiter, escalator, manlift or incline lift for which it is granted. Posting up

Suspension
or revoca-
tion

(5) Where the licence of an elevator, dumb-waiter, escalator, manlift or incline lift is suspended or revoked, the chief inspector may cause such things to be done as he deems necessary to ensure that it will not be operated contrary to this Act and the regulations.

Drawings
and speci-
fications to
be approved

14.—(1) No person shall commence a new installation or a major alteration of an elevator, dumb-waiter, escalator, manlift or incline lift until the drawings and specifications thereof have been approved by an engineer of the Department.

Submission
of drawings
and speci-
fications

(2) The drawings and specifications shall be submitted in triplicate and shall furnish full information as to the size, composition and arrangement of the proposed new installation or major alteration.

Approval

(3) If the proposed new installation or major alteration complies with this Act and the regulations, the drawings and specifications thereof shall be approved in writing by an engineer of the Department and one set returned to the person who submitted them.

Notice of
failure and
accidents

15.—(1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

Notice where
accident
causes death

(2) Where an accident occurs in connection with an elevator, dumb-waiter, escalator, manlift or incline lift that results in the death of any person or in injuries that may result in the death of any person, the owner shall give notice thereof immediately after the accident by telephone or telegraph to the chief inspector and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission so to do is given by an inspector.

Investiga-
tion of
failures and
accidents

(3) On receipt of such notice under subsection 1 or 2, the chief inspector shall cause such investigation to be made as he deems necessary to determine the cause of the occurrence or accident.

Obstruction
of inspector

16. No person shall hinder or obstruct an inspector in the performance of his duties.

False
statement

17. No person shall make any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or to an inspector concerning any matter under this Act or the regulations.

18. No owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall operate it or cause or permit it to be operated unless it complies with this Act and the regulations. Compliance with Act required

19. No owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall operate it or cause or permit it to be operated unless it is licensed. Licence required

20. No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition. Unsafe operation prohibited

21. No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated with a load in excess of its maximum capacity as designated in its licence. Excess loads

22.—(1) A person who fails to comply with or violates any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a penalty of not more than \$500. Offences and penalties

(2) Where a person fails to comply with or violates any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. Continued offences

23. All fees collected under this Act and the regulations and all penalties recovered for offences under this Act or the regulations shall be paid to the Treasurer of Ontario and form part of the Consolidated Revenue Fund. Application of fees and penalties

24. Nothing in this Act or the regulations affects any provision of any other Act or regulation or any municipal by-law relating to hoistways or hoistway enclosures in so far as any such provision imposes additional or more stringent requirements than those contained in this Act and the regulations. More stringent provisions not affected

25.—(1) The Lieutenant-Governor in Council may make regulations, Regulations

(a) designating classes or sub-classes of elevators, dumb-waiters, escalators, manlifts or incline lifts;

(b) defining a major alteration for the purposes of this Act and the regulations;

(c)

- (c) prescribing qualifications for persons who may be appointed inspectors or who may make inspections under this Act;
- (d) providing for the issue of certificates of competency to inspectors and determining the period for which such certificates shall continue in force and the terms upon which they may be renewed;
- (e) providing for the issue of certificates of competency to persons other than inspectors and determining the period for which such certificates shall continue in force and the terms upon which they may be renewed;
- (f) prescribing the examination fees to be paid by an applicant for a certificate of competency;
- (g) prescribing the fee to be paid on the issue and renewal of a certificate of competency;
- (h) prescribing the reasons for which a certificate of competency may be suspended or cancelled;
- (i) prescribing conditions respecting the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevators, dumb-waiters, escalators, manlifts or incline lifts and equipment used in connection therewith;
- (j) prescribing the nature of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified;
- (k) prescribing methods of determining maximum capacity for the purposes of this Act and the regulations;
- (l) making designated parts of the Safety Code referred to in section 8 applicable to major alterations of elevators, dumb-waiters or escalators, or to new installations or major alterations of incline lifts;
- (m) governing the conduct of persons in or about elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (n) providing for and requiring the annual registration of contractors, prescribing the fees for the first and subsequent registrations and the conditions under which registrations may be made, suspended or cancelled;

- (o) fixing the minimum age of attendants, providing for and requiring the licensing of attendants annually and prescribing the training and instruction to be given to attendants;
- (p) prescribing the form of licences and the conditions under which licences or any class thereof may be granted, suspended, revoked or transferred or prohibiting the transfer of licences or any class thereof;
- (q) providing for fees to be paid on the grant or transfer of licences or for the examination of drawings and specifications submitted for approval under this Act and designating the amount of such fees;
- (r) prescribing the circumstances under which expenses or special fees, or both, are to be paid and designating the amount of such fees and the persons by whom such expenses or fees, or both, are to be paid;
- (s) requiring and prescribing the form and location of notices and markings that shall be kept in or about elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (t) excluding from this Act any class or sub-class of elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (u) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

(2) Any regulation may be made with respect to elevators, *Idem* dumb-waiters, escalators, manlifts and incline lifts or with respect to any one or more of such types of mechanism or with respect to any one or more classes or sub-classes thereof.

(3) Any word or expression used in this Act or the regu- *Definitions* lations may be defined in the regulations for the purposes of the regulations.

(4) Any regulation may be limited as to time or place of *Limitations* application, or both. *as to time and place*

26.—(1) Notwithstanding paragraph 6 of section 391 of *The Municipal Act*, no urban municipality shall pass by-laws *Municipal by-laws prohibited Rev. Stat., c. 243* respecting any matter dealt with in this Act and every such by-law heretofore passed shall be deemed to be repealed.

(2) Subsection 1 does not apply to the City of Toronto *Exception, City of Toronto* or to its by-laws.

Commence-
ment

27. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

28. This Act may be cited as *The Elevators and Lifts Act, 1953*.

CHAPTER 34

An Act to amend The Embalmers and Funeral Directors Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Embalmers and Funeral Directors Act* is amended by striking out the word "Examiners" in the first line and inserting in lieu thereof the word "Administration", so that the clause shall read as follows: Rev. Stat., c. 113, s. 1, cl. c, amended

(c) "Board" means Board of Administration appointed under this Act.

2. Subsection 1 of section 2 of *The Embalmers and Funeral Directors Act* is amended by striking out the word "Examiners" in the first line and inserting in lieu thereof the word "Administration", so that the subsection shall read as follows: Rev. Stat., c. 113, s. 2, subs. 1, amended

(1) The Board of Administration shall consist of five persons of whom not less than three shall be licensed funeral directors and such persons shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. Board of Administration

3. Section 3 of *The Embalmers and Funeral Directors Act* is repealed and the following substituted therefor: Rev. Stat., c. 113, s. 3, re-enacted

3. The Board may employ such officers, clerks and other persons as it may require who shall be paid such amounts as may be determined by the Board. Employment of officers, etc.

4. *The Embalmers and Funeral Directors Act* is amended by adding thereto the following section: Rev. Stat., c. 113, amended

5a. In the absence of the chairman, the vice-chairman may act in his place and stead in respect of any of the matters mentioned in sections 4 and 5. Powers of vice-chairman acting for Board

Rev. Stat.,
c. 113, s. 6,
subs. 1,
re-enacted

5.—(1) Subsection 1 of section 6 of *The Embalmers and Funeral Directors Act* is repealed and the following substituted therefor:

Audit

- (1) The receipts and expenditures of the Board shall be audited annually by an accountant licensed to practise in Ontario by The Public Accountants Council for the Province of Ontario who is not a member of the Board.

Rev. Stat.,
c. 113, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by striking out the word "Examiners" in the second line and inserting in lieu thereof the word "Administration" and by striking out all the words after the word "and" in the fifth line and inserting in lieu thereof the words "may be withdrawn upon the signatures of any two of the chairman, vice-chairman and secretary-treasurer", so that the subsection shall read as follows:

Moneys and
securities

- (2) All moneys and securities received or held by the Board shall be held in the name of "Board of Administration under *The Embalmers and Funeral Directors Act*" and the moneys may be deposited in a branch of a chartered bank or a Province of Ontario Savings Office and may be withdrawn upon the signatures of any two of the chairman, vice-chairman and secretary-treasurer.

Rev. Stat.,
c. 113, s. 6,
amended

(3) The said section 6 is further amended by adding thereto the following subsections:

Operating
accounts

- (3) The Board shall have power to establish an operating account in any bank described in subsection 2 and the amount in the account at any time shall not exceed \$3,000 and cheques shall be drawn upon the signature of the secretary-treasurer or such officer employed by the Board as it may designate.

Purchase of
securities

- (4) Securities may be purchased and sold on the order of the Board by any two of the chairman, vice-chairman and secretary-treasurer.

Rev. Stat.,
c. 113, s. 7,
amended

6. Section 7 of *The Embalmers and Funeral Directors Act* is amended by adding thereto the following subsections:

Idem

- (2) The report in subsection 1 shall be upon the basis of record as of the 31st day of October in the previous year.

Published
report

- (3) The Board shall publish a report showing,
(a) the number of new certificates of qualification granted;

(b)

- (b) the number of applicants for certificates of qualification refused;
- (c) the number of certificates of qualification revoked;
- (d) the financial statement; and
- (e) the list of members for the current year who are paid as of December 15th in the previous year.

7. Clause *b* of subsection 1 of section 11 of *The Embalmers and Funeral Directors Act* is amended by striking out the figures "21" and inserting in lieu thereof the word "twenty", so that the clause shall read as follows: Rev. Stat.,
c. 113, s. 11,
subs. 1, cl. b,
amended

(b) is not less than twenty years of age; and

.

8.—(1) Subsection 2 of section 15 of *The Embalmers and Funeral Directors Act* is amended by striking out the words "all of the" in the third line and inserting in lieu thereof the words "at least four", so that the subsection shall read as follows: Rev. Stat.,
c. 113, s. 15,
subs. 2,
amended

- (2) The Board may revoke the certificate of qualification and cancel the licence of any person, or may cancel the permit of any person where at least four members of the Board find that such person has been guilty of infamous or disgraceful conduct in a professional respect, as defined by the regulations. Cancellat-
ion of
licence,
permit

(2) Subsection 3 of the said section 15 is repealed and the following substituted therefor: Rev. Stat.,
c. 113, s. 15,
subs. 3,
re-enacted

- (3) Before a certificate of qualification is revoked or a permit or licence is suspended or cancelled, the Board shall, by notice in writing, advise the holder of such certificate, permit or licence of the complaint or charge made against him and shall afford him an opportunity of appearing before the Board and of presenting such evidence and making such representations as he desires. Hearing

- (4) The Board shall have the same powers as may be conferred upon a commissioner under *The Public Inquiries Act* in respect of a hearing under this section. Power of
Board at
hearing
Rev. Stat.,
c. 308

Appeal

- (5) Any person whose certificate of qualification has been revoked or whose permit or licence has been suspended or cancelled under this section may, within thirty days after receipt of notice in writing of the decision of the Board, apply to a judge of the Supreme Court and the judge may review the decision of the Board and may make such order and give such directions as he may deem proper and his decision shall be final.

Rev. Stat.,
c. 113,
amended

9. *The Embalmers and Funeral Directors Act* is amended by adding thereto the following sections:

Power of
Board to
enter
place of
business

- 16a. The Board or any member thereof may enter and inspect at all reasonable times any place in which the business of a funeral director or an embalmer is carried on under this Act.

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Responsi-
bility for
carrying on
business of
funeral
director

- 17a.—(1) Where a funeral director carries on business with the public for a person, partnership, firm or corporation, he shall be responsible for the supervision and management of the business and in respect of such business he and the person, partnership, firm or corporation for whom he carries on business shall be responsible for due compliance with this Act and the regulations.

Idem

- (2) Where two or more funeral directors carry on business with the public, each of the funeral directors shall be responsible for the supervision and management of the business and for due compliance with this Act and the regulations.

Rev. Stat.,
c. 113, s. 19,
cl. a,
amended

10. Clause *a* of section 19 of *The Embalmers and Funeral Directors Act* is amended by inserting after the word “approve” in the first line the words “establish or maintain”, so that the clause shall read as follows:

- (a) approve, establish or maintain any school or college which has for its purpose instruction in embalming and general preparation for and burial of the dead human body; and

.

Rev. Stat.,
c. 113, s. 20,
cl. m.
re-enacted

11. Clause *m* of section 20 of *The Embalmers and Funeral Directors Act* is repealed and the following substituted therefor:

(m)

- (m) governing the premises where dead human bodies may be embalmed and the methods and materials which may be used.

12. This Act may be cited as *The Embalmers and Funeral Directors Amendment Act, 1953*. Short title

CHAPTER 35

An Act to amend The Factory, Shop and Office Building Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsections 1 and 2 of section 13 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:
- (1) No person shall construct a building or alter an existing building, Rev. Stat., c. 126, s. 13, subss. 1, 2, re-enacted
- (a) that is intended for use as a factory; or
- (b) that is proposed to be or is more than two storeys in height and intended for use as a shop, bakeshop, restaurant or office building, Drawings and specifications to be submitted
- unless the drawings and specifications of the proposed building or alterations have been approved by the Chief Inspector.
- (1a) Before constructing or altering any such building Application an application in the prescribed form together with drawings and specifications, in duplicate, of the proposed building or alterations and the estimated cost of such building or alterations shall be submitted to the Chief Inspector.
- (2) Upon receipt of the application, the Chief Inspector Estimated cost and fees shall estimate the cost of the proposed building or alterations and shall inform the applicant of the estimated cost approved by him and the fees required to be paid for the approval of the drawings and specifications.
- (2a) When the fees for the approval of the drawings and Approval specifications have been paid, the Chief Inspector

shall

shall examine them and if they comply with this Act and the regulations he shall certify his approval thereon and return one copy to the applicant, and the construction of the building or alterations may be proceeded with only in accordance with the drawings and specifications as approved.

Chief
Inspector
may dele-
gate duties

(2*b*) The Chief Inspector may authorize any person to exercise the powers and duties of the Chief Inspector under this section and any drawings and specifications approved and certified by such person shall be deemed to have been approved and certified by the Chief Inspector.

Rev. Stat.,
c. 126,
amended

2. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section:

Power of
Minister to
revoke
permits

15*a*. Notwithstanding any other provision of this Act, the Minister may suspend or revoke any permit issued or granted under this Act.

Rev. Stat.,
c. 126, s. 17,
cl. *b*,
re-enacted

3. Clause *b* of section 17 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

(*b*) providing for the payment of fees for the approval by the Chief Inspector of drawings and specifications submitted to him and prescribing the fees therefor;

.

(*cc*) prescribing forms for use under this Act.

Rev. Stat.,
c. 126, s. 29,
amended

4. Section 29 of *The Factory, Shop and Office Building Act* is amended by striking out the word and figures "and 31" in the first line and inserting in lieu thereof the figures and word "31 and 31*a*", so that the section, exclusive of the paragraphs, shall read as follows:

Hours of
employment

29. Except as provided in sections 30, 31 and 31*a*, in a factory, shop, bakeshop, or restaurant,

.

Rev. Stat.,
c. 126,
amended

5. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section:

Approval
of Minister
re employ-
ment of
women, etc.

31*a*. Notwithstanding any other provision of this Act, the Minister may, where he is satisfied that the health, welfare and safety of women, young girls or youths will not be adversely affected or endangered, grant permission upon such conditions as he may determine for their employment during hours other than those prescribed under this Act.

6. Section 58 of *The Factory, Shop and Office Building Act* Rev. Stat.,
c. 126, s. 58,
re-enacted
is repealed and the following substituted therefor:

58. Where an elevator, dumb-waiter, escalator, manlift Elevators,
etc.
or incline lift in a factory, shop, bakeshop, restaurant
or office building is installed, maintained or operated
in a manner contrary to *The Elevators and Lifts Act*, 1953, c. 33
1953, such installation, maintenance or operation
shall for the purposes of this Act be deemed to en-
danger the safety of the persons employed therein.

7.—(1) This Act, except section 6, comes into force on the Commence-
ment
day it receives Royal Assent.

(2) Section 6 comes into force on a day to be named by the Idem
Lieutenant-Governor by his Proclamation.

8. This Act may be cited as *The Factory, Shop and Office* Short title
Building Amendment Act, 1953.

CHAPTER 36

An Act to amend The Farm Products Marketing Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 3 of *The Farm Products Marketing Act*, as amended by subsection 1 of section 2 of *The Farm Products Marketing Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. *d*,
re-enacted

(*d*) to establish in connection with any scheme price negotiating agencies which may adopt or determine by agreement or award,

(i) minimum prices for any regulated product or for any class, variety, grade or size of a regulated product,

(ii) terms of purchase and sale for any regulated product,

(iii) handling, transporting, storage or selling charges for any regulated product or for any class, variety, grade or size of a regulated product, and

(iv) conditions and form of contracts for the purchase and sale of any regulated product.

(2) Clause *k* of subsection 1 of the said section 3 is amended by inserting after the word “any” where it occurs the first time in the first line the word “variety”, so that the clause shall read as follows:

Rev. Stat.,
c. 131, s. 3,
subs. 1, cl. *k*,
amended

(*k*) to prohibit the marketing of any variety, grade or size of any regulated product.

(3) The said section 3 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 131, s. 3,
amended

(1*a*)

Agreement
or award,

(1a) Every agreement or award made under clause *d* of subsection 1,

filing

(a) shall be filed forthwith after the making thereof with the Board and shall come into force on the day it is so filed or on such later day as may be named in the agreement or award and, subject to clause *b*, shall remain in force for the marketing of the regulated product during the crop year, or the production period, as provided in the agreement or award; and

re-negotia-
tion

(b) may, at any time upon the application to the Board of all parties thereto, be re-negotiated in such manner as the Board may determine with respect to any terms of the agreement or the award.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1953*.

CHAPTER 37

An Act to amend The Fire Departments Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Fire Departments Act* is repealed and the following substituted therefor: Rev. Stat., c. 138, s. 11, subs. 1, re-enacted

- (1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for full-time fire fighters, Grants in aid Rev. Stat., c. 430

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

2. Section 12 of *The Fire Departments Act* is repealed. Rev. Stat., c. 138, s. 12, repealed

3. Subsection 1 of section 14 of *The Fire Departments Act* is amended by striking out the words "cost of the fire department for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been deter-

mined

mined for the preceding year" and by striking out the words "cost of the fire department for the preceding year" in the first line of clause *b* and inserting in lieu thereof the words "the amounts upon which the grant is based as determined for the preceding year", so that the subsection shall read as follows:

Claims
for grants

(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

(a) that the requirements of section 13 have been met; and

(b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

Rev. Stat.,
c. 138, s. 15,
repealed

4. Section 15 of *The Fire Departments Act* is repealed.

Commence-
ment

5. This Act comes into force on the 1st day of January, 1954.

Short title

6. This Act may be cited as *The Fire Departments Amendment Act, 1953*.

CHAPTER 38

An Act to amend The Forest Fires Prevention Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Forest Fires Prevention Act* is repealed Rev. Stat., c. 144, s. 6, re-enacted and the following substituted therefor:

- 6.—(1) The period from the 1st day of April to the 31st day of October in each year shall be known as a Regular fire season fire season.
- (2) The Minister may declare any period after the 31st day of October in any year and before the 1st day of April in the following year to be a fire season for Extra fire seasons any fire district or any part of a fire district.
- (3) The Minister may extend or restrict any fire season to such date as he deems proper and any such Extensions and restrictions extension or restriction may be made applicable to any fire district or any part of a fire district.

2.—(1) Subsection 1 of section 7 of *The Forest Fires Prevention Act* is amended by striking out the article "the" Rev. Stat., c. 144, s. 7, subs. 1, amended in the second line and inserting in lieu thereof the article "a", so that the subsection shall read as follows:

- (1) Upon application, an officer may issue a permit, Issue of fire permit called a "fire permit", to set out fire during a fire season.
- (2) Subsection 3 of the said section 7 is amended by striking out the article "the" in the first line and inserting in lieu thereof the article "a", so that the subsection shall read as follows: Rev. Stat., c. 144, s. 7, subs. 3, amended
- (3) No person shall set out fire during a fire season for any purpose, other than cooking or obtaining warmth, Prohibition against fire except under permit except under a fire permit.

Rev. Stat.,
c. 144, s. 9,
subs. 3
(1952,
c. 31, s. 3),
amended

3.—(1) Subsection 3 of section 9 of *The Forest Fires Prevention Act*, as re-enacted by section 3 of *The Forest Fires Prevention Amendment Act, 1952*, is amended by striking out the article “the” where it occurs the first time in the third line and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

Authority
conferred by
travel
permit

- (3) A travel permit shall be authority to the permittee to enter and travel about in the travel permit area during a fire season in accordance with the terms and conditions of the permit and in accordance with the regulations.

Rev. Stat.,
c. 144, s. 9,
subs. 5
(1952,
c. 31, s. 3),
amended

(2) Subsection 5 of the said section 9 is amended by striking out the article “the” in the second line and inserting in lieu thereof the article “a”, so that the subsection shall read as follows:

Prohibition
against
entering
travel
permit areas

- (5) No person shall enter and travel about in a travel permit area during a fire season except under and in accordance with the terms and conditions of his travel permit and in accordance with the regulations.

Rev. Stat.,
c. 144,
amended

4. *The Forest Fires Prevention Act* is amended by adding thereto the following section:

Power of
officer to
order the
installation
of spark
arresters
on chimneys

- 13a.**—(1) Wherever an officer finds in a forest in a fire district a building or structure having a chimney so constructed or used that, in his opinion, it may cause danger to life or property from fire, he may order the owner or person in control of the building or structure to install a spark arrester of such type as he may approve and to do whatever else that in his opinion is necessary to remove the danger.

Offence

- (2) Any person who neglects or refuses to carry out any order given under the authority of subsection 1 shall be guilty of an offence against this Act.

Rev. Stat.,
c. 144, s. 21,
subs. 1,
amended

5. Subsection 1 of section 21 of *The Forest Fires Prevention Act* is amended by striking out the article “the” in the first line and inserting in lieu thereof the article “a”, so that the subsection, exclusive of the clauses, shall read as follows:

Offences

- (1) During a fire season in any year no person, company or corporation in a fire district shall,

.

Rev. Stat.,
c. 144, s. 27,
cl. a, re-
pealed

6. Clause a of section 27 of *The Forest Fires Prevention Act* is repealed.

7. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

8. This Act may be cited as *The Forest Fires Prevention* ^{Short title}
Amendment Act, 1953.

CHAPTER 39

An Act to amend The Forestry Act, 1952

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Forestry Act, 1952* is amended by adding thereto the following subsection: ^{1952, c. 32, s. 7, amended}

- (3) The Minister may authorize the furnishing of nursery stock to any public authority or any association, board, institute, society or other organization for educational or scientific purposes upon such terms and conditions as he deems proper. ^{Idem}

2. This Act may be cited as *The Forestry Amendment Act, 1953*. ^{Short title}

CHAPTER 40

An Act to amend The Game and Fisheries Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *r* of section 1 of *The Game and Fisheries Act*, Rev. Stat., as amended by section 1 of *The Game and Fisheries Amendment Act, 1952*, is further amended by striking out the words *cl. r,* amended "game and fishery warden" in the second line and inserting in lieu thereof the words "conservation officer", so that the clause shall read as follows:

(*r*) "officer" means any member of the Ontario Provincial Police Force, any conservation officer, any deputy game and fishery warden and any other person authorized to enforce this Act.

2.—(1) Subsection 1 of section 9 of *The Game and Fisheries Act* is amended by inserting after the word "park" in the fourth line the words "or Crown game preserve", so that the subsection shall read as follows: *Rev. Stat., c. 153, s. 9, subs. 1, amended*

(1) No person shall hunt, take, molest, wound, trap, kill, destroy or possess, or attempt to hunt, take, molest, wound, trap, kill or destroy any bird, fire-bearing animal or game within the limits of a provincial park or Crown game preserve, except as provided in the regulations. *Hunting in provincial parks and Crown game preserves*

(2) Subsection 2 of the said section 9 is amended by inserting after the word "park" in the second line the words "or on Crown lands in any Crown game preserve", so that the subsection shall read as follows: *Rev. Stat., c. 153, s. 9, subs. 2, amended*

(2) No person shall possess or use within the limits of a provincial park or on Crown lands in any Crown game preserve any trap, fire-arm, explosive or weapon, except as provided in the regulations. *Weapons, etc., in provincial parks and Crown game preserves*

Rev. Stat.,
c. 153, s. 11,
subs. 1,
amended

3.—(1) Subsection 1 of section 11 of *The Game and Fisheries Act* is amended by adding at the commencement thereof the words "Subject to subsections 3 and 3a", so that the subsection shall read as follows:

Fire-arms
and air-guns

(1) Subject to subsections 3 and 3a, no person shall carry or use any fire-arm or air-gun for the purpose of hunting any animal or bird, except under the authority of a licence.

Rev. Stat.,
c. 153, s. 11,
subs. 2,
amended

(2) Subsection 2 of the said section 11 is amended by adding at the commencement thereof the words "Subject to subsections 3 and 3a", so that the subsection shall read as follows:

Idem

(2) Subject to subsections 3 and 3a, no person shall carry or use any fire-arm or air-gun from and including the 1st day of March to and including the 31st day of August in any year for the purpose of hunting any animal or bird not protected by the *Migratory Birds Convention Act* (Canada), this Act or the regulations, except under the authority of a licence.

R.S.C. 1927,
c. 130

Rev. Stat.,
c. 153, s. 11,
subs. 3,
amended

(3) Subsection 3 of the said section 11, as amended by section 3 of *The Game and Fisheries Amendment Act, 1951*, is further amended by striking out the words "or to the holder of a licence to trap fur-bearing animals" in the amendment of 1951, so that the subsection shall read as follows:

Exception

(3) Subsections 1 and 2 shall not apply to a farmer or his sons residing and hunting on his lands.

Rev. Stat.,
c. 153, s. 11,
amended

(4) The said section 11 is amended by adding thereto the following subsection:

Exception

(3a) The holder of a licence to trap fur-bearing animals may, under the authority of that licence, carry or use any fire-arm or air-gun in the area described in the licence during the period between the 1st day of November in any year and the 30th day of June in the next following year for the purpose of hunting any animal or bird.

Rev. Stat.,
c. 153, s. 14,
amended

4. Section 14 of *The Game and Fisheries Act* is amended by striking out the words "caribou or wapiti" in the fourth and fifth lines and inserting in lieu thereof the words "or caribou", so that the section shall read as follows:

Dealings
in moose,
deer and
caribou

14. No person or his servant, clerk or agent shall buy, sell, expose or keep for sale, directly or indirectly on any pretence or device, for any valuable considera-

tion,

tion, barter, give to or obtain from any other person any moose, deer or caribou, wherever killed or procured, except under the authority of a licence.

5. Subclause iv of clause *a* of section 26 of *The Game and Fisheries Act* is repealed and the following substituted therefor: Rev. Stat., c. 153, s. 26, cl. *a*, subcl. iv, re-enacted

(iv) for a British subject to hunt and trap fur-bearing animals..... 5.00

6.—(1) Subsections 1 and 2 of section 30 of *The Game and Fisheries Act* are repealed and the following substituted therefor: Rev. Stat., c. 153, s. 30, subss. 1, 2, re-enacted

(1) The skins and pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed and marked by an officer before sale, and no fur dealer or buyer shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter skins or pelts in his possession. Sealing and marking of skins and pelts

(2) Subsection 1 shall not apply to the skins and pelts of mink bred on fur-farms. Exception

(2*a*) No person shall present or permit to be presented to an officer for sealing or marking the skin or pelt of any beaver, fisher, lynx, marten, mink or otter that is not taken by him under the authority of his licence to trap, hunt, take or kill fur-bearing animals, and no person shall be party to having or attempting to have a skin or pelt of any beaver, fisher, lynx, marten, mink or otter sealed or marked by an officer that is not taken under the authority of the licence that is presented to the officer with the skin or pelt. Offence

(2) Subsection 3 of the said section 30 is amended by inserting after the word “any” where it occurs the second time in the second line the word “beaver”, so that the subsection shall read as follows: Rev. Stat., c. 153, s. 30, subs. 3, amended

(3) No person shall trap, hunt, take or kill, or possess the pelt or any part of any beaver, fisher, fox, lynx, marten, mink, muskrat, otter, rabbit, raccoon or any black, gray or fox squirrel except in such localities and during such periods and subject to such terms and conditions as the Minister may prescribe. Limitations as to hunting, trapping, etc.

(3) Clause *b* of subsection 4 of the said section 30 is repealed. Rev. Stat., c. 153, s. 30, subs. 4, cl. *b*, repealed

7.—(1) Subsection 1 of section 31 of *The Game and Fisheries Act*, as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1951*, is amended by striking out the word Rev. Stat., c. 153, s. 31, subs. 1 (1951, c. 29, s. 9), amended

“bull”

“bull” in the second line and by striking out the words “over one year of age” in the second and third lines, so that the subsection shall read as follows:

Number of
moose and
deer
residents
may take

- (1) No resident shall during any one year or season take or kill more than one moose under a moose licence and one deer under a resident deer licence, but this subsection shall not apply to deer which are the private property of any resident and which are killed or taken by him or by his direction or with his consent upon his own land under section 41.

Rev. Stat.,
c. 153, s. 31,
subs. 2
(1951,
c. 29, s. 9),
amended

- (2) Subsection 2 of the said section 31, as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1951*, is amended by striking out the word “bull” in the second line and by striking out the words “over one year of age or” in the second and third lines and inserting in lieu thereof the word “and”, so that the subsection shall read as follows:

Number of
moose and
deer non-
residents
may take

- (2) No non-resident shall during any one year or season take or kill more than one moose and one deer.

Rev. Stat.,
c. 153, s. 33,
subs. 3,
amended

- 8.—(1) Subsection 3 of section 33 of *The Game and Fisheries Act* is amended by striking out the words “caribou or wapiti” in the third line and inserting in lieu thereof the words “or caribou”, so that the subsection shall read as follows:

Dogs at
large

- (3) No person owning, harbouring or claiming to own a dog shall allow it to run at large during the closed season for deer in a locality which deer, moose or caribou usually inhabit or in which they are usually found.

Rev. Stat.,
c. 153, s. 33,
subs. 4,
amended

- (2) Subsection 4 of the said section 33 is amended by striking out the words “caribou or wapiti” in the first line and inserting in lieu thereof the words “or caribou”, so that the subsection shall read as follows:

Power to
kill on
sight dogs
at large

- (4) A dog found running deer, moose or caribou during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.

Rev. Stat.,
c. 153, s. 35,
amended

9. Section 35 of *The Game and Fisheries Act* is amended by striking out the words “fur-bearing animal, other than beaver” in the second line and inserting in lieu thereof the words “animal, other than caribou, deer or moose” and by striking out the article “the” where it occurs the second time in the fifth line and inserting in lieu thereof the word “fur-bearing”, so that the section shall read as follows:

35. Nothing in this Act shall apply to any person taking or destroying any animal, other than caribou, deer or moose, on his own lands, in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of fur-bearing animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them.

Power to
take animals
for preser-
vation of
property

10. Clause *b* of section 42 of *The Game and Fisheries Act* is amended by adding at the end thereof the words "but this clause shall not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with subsection 1 of section 30 or to the pelts of mink bred on fur-farms", so that the clause shall read as follows:

Rev. Stat.,
c. 153, s. 42,
cl. b,
amended

- (b) any pelts of animals taken in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which they were taken, but this clause shall not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with subsection 1 of section 30 or to the pelts of mink bred on fur-farms.

11.—(1) Subsection 4 of section 60 of *The Game and Fisheries Act* is amended by striking out the words "or hand-car" in the third line and inserting in lieu thereof the words "hand-car or track motor-car", so that the subsection shall read as follows:

Rev. Stat.,
c. 153, s. 60,
subs. 4,
amended

- (4) No person, being employed by a railway company, shall possess any gun or other fire-arm, poison, snare or trap on a railway velocipede, hand-car or track motor-car.

(2) Subsection 5 of the said section 60 is repealed.

Rev. Stat.,
c. 153, s. 60,
subs. 5,
repealed

12. Subsection 4 of section 75 of *The Game and Fisheries Act* is amended by striking out the words "or subsection 5 of section 60" in the second line, so that the subsection shall read as follows:

Rev. Stat.,
c. 153, s. 75,
subs. 4,
amended

- (4) Every person who commits an offence against subsection 2 of section 9 shall be liable to a penalty of not less than \$50 and not more than \$500.

Fire-arms
on Crown
game pre-
serves

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1953*.

CHAPTER 41

An Act to amend The Gasoline Handling Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *k* of section 12 of *The Gasoline Handling Act* is amended by striking out the words “and equipment” in the first line and inserting in lieu thereof the words “equipment and location of equipment”, so that the clause shall read as follows:

(*k*) prescribing the method, manner, equipment and location of equipment to be used in the handling, storing, selling and disposing of gasoline, kerosene and distillate.

(2) The said section 12 is amended by adding thereto the following subsections:

(2) Every regulation made under the authority of subsection 1 shall be deemed to be within the scope of this Act whether it is made for the purpose of facilitating the collection of the charge or tax under *The Gasoline Tax Act* or for the purpose of ensuring the safety of persons or property, or for both such purposes.

(3) Where conflict exists between any regulation made under the authority of subsection 1 and any by-law passed by a municipality in the exercise of its powers, the regulation prevails.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Gasoline Handling Amendment Act, 1953*.

CHAPTER 42

An Act to amend The General Sessions Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 3 of *The General Sessions Act* is amended by striking out the words “April and the third Monday in October” in the second and third lines and inserting in lieu thereof the words “February, April and October”, so that the subsection shall read as follows:

Rev. Stat.,
c. 158,
s. 3, subs. 2
amended

(2) In the county of Carleton the sittings of the court in each year shall commence on the first Monday in February, April and October.

Exceptions,
Carleton

(2) Subsection 3a of the said section 3, as enacted by subsection 1 of section 1 of *The General Sessions Amendment Act, 1952*, is amended by striking out the word “June” in the third line and inserting in lieu thereof the word “May” and by striking out the word “fourth” in the said third line and inserting in lieu thereof the word “first”, so that the subsection shall read as follows:

Rev. Stat.,
c. 158, s. 3,
subs. 3a
(1952,
c. 34, s. 1,
subs. 1),
amended

(3a) In the county of Lincoln the sittings of the court in each year shall commence on the first Monday in May and the first Monday in November.

Lincoln

(3) Subsection 7 of the said section 3 is amended by striking out the word “Tuesday” in the third line and inserting in lieu thereof the word “Monday”, so that the subsection shall read as follows:

Rev. Stat.,
c. 158, s. 3,
subs. 7,
amended

(7) In the county of York the sittings of the court in each year shall commence on the first Monday in December, March and May and on the second Monday in September.

York

2.—(1) Subsection 2 of section 3 of *The General Sessions Act*, as amended by subsection 1 of section 1 of this Act, applies to the sittings of the court of general sessions of the

Application

peace in the county of Carleton commencing on the first Monday in April, 1953, and to subsequent sittings.

Idem

(2) Subsection 3*a* of the said section 3, as amended by subsection 2 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of Lincoln commencing on the first Monday in May, 1953, and to subsequent sittings.

Idem

(3) Subsection 7 of the said section 3, as amended by subsection 3 of section 1 of this Act, applies to the sittings of the court of general sessions of the peace in the county of York commencing on the second Monday in September, 1953, and to subsequent sittings.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The General Sessions Amendment Act, 1953*.

CHAPTER 43

An Act to amend The Greater Toronto Assessment Board Act, 1951

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 3 of *The Greater Toronto Assessment Board Act, 1951* is repealed and the following substituted therefor: 1951, c. 31, s. 3, cl. b, re-enacted

- (b) to direct and control the making of assessments and the preparation of assessment rolls in each area municipality in the year 1953.

2. Sections 11 and 12 of *The Greater Toronto Assessment Board Act, 1951* are repealed and the following substituted therefor: 1951, c. 31, ss. 11, 12, re-enacted

- 11. In the year 1953 the assessment shall be made and the assessment roll prepared in each area municipality under the direction and control of the Board, and sections 12 to 22 shall apply in each area municipality. Assessment in 1953 under control of Board

- 12. If in any area municipality a by-law is in force under section 123 of *The Assessment Act* providing for taking the assessment of business separately from the time for taking the assessment of real property and for taking the same during the year in which the rates of taxation thereon are to be levied, Business assessment Rev. Stat., c. 24

- (a) such by-law is repealed as of the 1st day of January, 1954;

- (b) an assessment of business shall be made in the year 1953 in accordance with the by-law on which the rates of taxation upon business for the year 1953 shall be levied in the area municipality; and

(c)

- (c) an assessment of business shall be made in the area municipality in the year 1953 under the direction and control of the Board together with the assessment of real property made under the direction and control of the Board, for taxation in the year 1954.

1951, c. 31,
s. 13,
amended

3. Section 13 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof and by striking out the words and figures "sections 11 and 12" in the fifth line and inserting in lieu thereof the word and figures "section 11", so that the section shall read as follows:

County
assessor

13. The county assessor of the County of York shall have no jurisdiction in the area municipality in relation to the making of assessments and the preparation of the assessment rolls of that municipality pursuant to section 11, or in relation to appeals therefrom.

1951, c. 31,
s. 14, subs. 1,
amended

4. Subsection 1 of section 14 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out the words "In the year following such proclamation" at the commencement thereof, so that the subsection shall read as follows:

Powers
of Board

- (1) The Board shall have all the powers of an assessment commissioner in the area municipality and the assessment commissioner and assessors in the area municipality shall be subject to the instruction and direction of the Board.

1951, c. 31,
s. 15,
amended

5. Section 15 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "date" in the third line the words "or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates," so that the section shall read as follows:

Return of
assessment
roll
Rev. Stat.,
c. 24

15. Notwithstanding *The Assessment Act* or any other Act and notwithstanding any municipal by-law, the assessment roll for the area municipality shall be returned on such date or, where the assessment roll is returned by wards, divisions of wards or groups of polling subdivisions, on such dates, as may be prescribed by the Lieutenant-Governor in Council.

1951, c. 31,
s. 16, subs. 4,
amended

6.—(1) Subsection 4 of section 16 of *The Greater Toronto Assessment Board Act, 1951* is amended by inserting after the word "municipality" in the third line the words "other than a

member

member of a court of revision", so that the subsection shall read as follows:

- (4) No person who is or during the preceding year was a member of the council or an officer or employee of an area municipality other than a member of a court of revision may be appointed or hold office as a member of a court of revision constituted under this section. ^{Disqualification}

(2) Subsection 7 of the said section 16 is repealed and the following substituted therefor: ^{1951, c. 31, s. 16, subs. 7, re-enacted}

- (7) Where a court or courts of revision is or are constituted for an area municipality under this section, all appeals in respect of the assessment roll prepared pursuant to section 11 and in respect of additions thereto under section 51a of *The Assessment Act*, shall be heard by such court or courts, but in respect of all other matters the court or courts of revision constituted under *The Assessment Act* or any other Act shall continue to function as if this Act had not been passed. <sup>Jurisdiction of court of revision
Rev. Stat., c. 24</sup>

- (8) Notwithstanding anything in this Act, the assessment rolls for the year 1953 for Wards 1 and 2 of the City of Toronto shall be deemed to have been prepared under the direction and control of the Board and shall be deemed to have been returned on dates prescribed by the Lieutenant-Governor in Council and the said rolls when certified by the court of revision of the City of Toronto shall be deemed to have been certified by a court of revision constituted by the Lieutenant-Governor in Council for the City of Toronto under this Act. ^{Special provisions}

7. Section 17 of *The Greater Toronto Assessment Board Act, 1951* is amended by striking out all the words after the word "Act" in the third line, so that the section shall read as follows: ^{1951, c. 31, s. 17, amended}

17. The provisions of *The Assessment Act* in relation to appeals to courts of revision shall apply to appeals to a court of revision constituted under this Act. ^{Appeals}

8. Section 22 of *The Greater Toronto Assessment Board Act, 1951* is amended by adding thereto the following subsection: ^{1951, c. 31, s. 22, amended}

- (1a) The provisions of section 16 of *The Assessment Act* shall apply in the preparation of the assessment roll, but where it is found by the Board to be impractical <sup>Idem
Rev. Stat., c. 24</sup>

to

to carry out the provisions of clauses *l* to *o* of subsection 1 of the said section 16, such clauses shall not apply.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Greater Toronto Assessment Board Amendment Act, 1953*.

CHAPTER 44

An Act to amend The High Schools Act

*Assented to April 2nd, 1953**Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 5 and 6 of section 54 of *The High Schools Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 165, s. 54.
subs. 5,
re-enacted;
subs. 6,
repealed

- (5) The council of a municipality which has not been established as or included in a high school district may enter into an agreement with a board to provide for the instruction of the pupils of the municipality in the schools under the jurisdiction of the board and for the payment of fees in respect of such pupils calculated in accordance with subsection 1 of section 42.

Agreements
by municip-
alities

2. Subsection 3 of section 61 of *The High Schools Act* is amended by striking out the words "the 24th day of May" in the first and second lines and inserting in lieu thereof the words "Victoria Day", so that the subsection shall read as follows:

Rev. Stat.,
c. 165, s. 61
subs. 3,
amended

- (3) Every Saturday, every public holiday, Victoria Day, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Holidays

Rev. Stat.,
c. 306

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The High Schools Amendment Act, 1953*.

Short title

CHAPTER 45

An Act to amend The Highway Improvement Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 60 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 166, s. 60, subs. 2, re-enacted

- (2) Where a subdivision is being developed for building purposes, the expenditures made on the opening or constructing of any street therein shall not be deemed to be properly chargeable to road improvement under this Part unless such street is a main thoroughfare for traffic or is designed and laid out as such and is so designated by the Department. Opening or constructing street in subdivision not eligible

2. Subsection 3 of section 91 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 166, s. 91, subs. 3, re-enacted

- (3) The Minister or the claimant may, with leave of the Court of Appeal, appeal to that court from any determination or order of the Board under this Act as to compensation. Appeal to Court of Appeal
- (4) The leave may be granted on such terms as to the appellant giving security for costs and otherwise as the court deems just. Terms
- (5) The practice and procedure as to the appeal and incidental thereto is the same *mutatis mutandis* as upon an appeal from a county court. Procedure
- (6) The decision of the Court of Appeal is final. Finality
- (7) Section 98 of *The Ontario Municipal Board Act* does not apply to any appeal under this section. Rev. Stat., c. 262, s. 98, not to apply

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Highway Improvement Amendment Act, 1953*. Short title

CHAPTER 46

An Act to amend The Highway Traffic Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding at the end of subclause ii the word "or" and by adding thereto the following subclause:

Rev. Stat.,
c. 167,
s. 1, subs. 1,
cl. a,
amended

- (iii) not more than 600 feet of the highway separates any territory described in subclause i or ii from any other territory described in subclause i or ii.

2. Section 3 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 167, s. 3,
amended

- (2a) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle or trailer which is to be used or is used,

Minister
may refuse
to accept
registration
or cancel
permit

- (a) as a public vehicle within the meaning of *The Public Vehicles Act*; or

Rev. Stat.,
cc. 322, 304

- (b) as a public commercial vehicle within the meaning of *The Public Commercial Vehicles Act*,

unless the owner of such motor vehicle or trailer is in possession of an operating licence as required by such Acts.

3.—(1) Subsection 15 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 167, s. 10,
subs. 15,
re-enacted

- (15) The Lieutenant-Governor in Council may make regulations,

Regulations
as to lights
on vehicles

(a)

- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;
- (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.

Rev. Stat.,
c. 167, s. 10,
subs. 20,
amended

(2) Subsection 20 of the said section 10 is amended by inserting after the word "trailer" in the second line the words "and every object or contrivance drawn by a vehicle", so that the subsection shall read as follows:

Light on
back of
trailer, etc.

(20) Whenever on a highway after dusk and before dawn, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only.

Rev. Stat.,
c. 167,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Television
in motor
vehicle

18a. No person shall operate or drive upon a highway a motor vehicle that is equipped with a television receiving set.

Rev. Stat.,
c. 167,
amended

5. *The Highway Traffic Act* is amended by adding thereto the following section:

Penalty for
driving un-
safe vehicle

20a. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle that is in such a dangerous or unsafe condition as to endanger the driver or operator or any occupant thereof, or any person upon the highway.

Rev. Stat.,
c. 167, s. 21,
subs. 4,
amended

6. Subsection 4 of section 21 of *The Highway Traffic Act* is amended by striking out the words "Lieutenant-Governor in Council" in the eleventh line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 167, s. 25,
subs. 1,
amended

7. Subsection 1 of section 25 of *The Highway Traffic Act* is amended by striking out the word "or" in the second line and by inserting after the word "Act" in the third line the words "or *The Public Commercial Vehicles Act*".

Rev. Stat.,
c. 167, s. 37,
subs. 1,
amended

8. Subsection 1 of section 37 of *The Highway Traffic Act* is amended by striking out the word "two" in the eighth line and inserting in lieu thereof the word "ten".

Rev. Stat.,
c. 167, s. 39,
subs. 1,
re-enacted

9. Subsection 1 of section 39 of *The Highway Traffic Act* is repealed and the following substituted therefor:

- (1) The Lieutenant-Governor in Council may make regulations classifying or defining explosives or dangerous articles and regulating or prohibiting the transportation of any explosives or dangerous articles. Regulations re carriage of explosives, etc.

10. Clause *c* of subsection 1 of section 41 of *The Highway Traffic Act* is repealed and the following substituted therefor: Rev. Stat., c. 167, s. 41, subs. 1, cl. c, re-enacted

- (c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway at an intersection where traffic is permitted to move in both directions on each highway entering the intersection shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered. Rule for left turn at intersection

- (cc) The driver or operator of a vehicle intending to turn to the left from a highway designated for use of one-way traffic into an intersecting highway on which traffic is permitted to move in both directions shall approach the intersection as closely as practicable to the left curb or edge of the travelled portion of the highway and on entering the intersection shall pass as closely as practicable to the centre line of the highway being entered where it enters the intersection. Idem

- (ccc) The driver or operator of a vehicle intending to turn to the left from a highway on which traffic is permitted to move in both directions into an intersecting highway designated for the use of one-way traffic shall approach the intersection as closely as practicable to the centre line of the highway and on entering the intersection the left turn shall be made by passing as closely as practicable to the left hand curb or edge of the travelled portion of the highway designated for the use of one-way traffic. Idem

11.—(1) Section 41 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat., c. 167, s. 41, amended

- (16a) The driver or operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle and the traffic upon and the conditions of the highway. Headway of motor vehicles

Rev. Stat.,
c. 167, s. 41,
subs. 17,
amended

(2) Subsection 17 of the said section 41 is amended by striking out the figures "100" in the third line and inserting in lieu thereof the figures "200", so that the subsection shall read as follows:

Headway for
commercial
vehicles

(17) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within 200 feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle.

Rev. Stat.,
c. 167, s. 43,
subs. 1,
amended

12.—(1) Subsection 1 of section 43 of *The Highway Traffic Act* is amended by striking out the words "outside of a city, town or village" in the third line, so that the subsection shall read as follows:

Parking cars
on highways

(1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle and of the highway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon such highway.

Rev. Stat.,
c. 167, s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

When sub-
section 1
not to apply

(1a) Subsection 1 shall not apply to a portion of a highway within a city, town or village or in respect of which a by-law regulating or prohibiting parking has been passed by the council of a township or county or by trustees of a police village.

Rev. Stat.,
c. 167, s. 43,
subs. 6,
re-enacted

(3) Subsection 6 of the said section 43 is repealed and the following substituted therefor:

Warning
lights on
commercial
motor
vehicles

(6) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of,

(a) flares, lamps, or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least 500 feet for a period of at least eight hours; or

(b)

- (b) portable reflectors which have been approved by the Department.

(4) Subsection 7 of the said section 43 is amended by inserting after the word "lighted" in the seventh line the words "and shall cause them or portable reflectors approved by the Department to be", so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 43,
subs. 7,
amended

- (7) Whenever any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained upon the highway until dawn or the removal of the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

Flares on
disabled
commercial
motor
vehicle or
trailer

13.—(1) Subsection 1 of section 52 of *The Highway Traffic Act* is amended by striking out the figures "15" in the first line and inserting in lieu thereof the figures "16".

Rev. Stat.,
c. 167, s. 52,
subs. 1,
amended

(2) Subsection 2 of the said section 52 is amended by striking out the figures "15" in the second line and inserting in lieu thereof the figures "16".

Rev. Stat.,
c. 167, s. 52,
subs. 2,
amended

14. Subsection 2 of section 65 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 167, s. 65,
subs. 2,
re-enacted

- (2) A copy of any writing, paper or document filed in the Department pursuant to this Act, or any statement containing information from the records required to be kept under this Act, purporting to be certified by the Registrar under the seal of the Department, shall be received in evidence in all courts without proof of the seal or signature and shall be *prima facie* evidence of the facts contained therein.

Evidence

- (3) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Registrar shall be sufficient authentication of any such copy or statement.

Signature of
Registrar

15. Clause c of subsection 1 of section 81 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 167, s. 81,
subs. 1, cl. c,
re-enacted

R.S.C. 1927,
c. 36

- (c) any offence under section 268, 284, 285 or 377 of the *Criminal Code* (Canada) as amended or re-enacted from time to time involving the use of a motor vehicle.

Rev. Stat.,
c. 167,
amended

16. *The Highway Traffic Act* is amended by adding thereto the following section:

Where motor
vehicle
liability
policy in
effect at
time of
offence

81a. An owner's permit and driver's licence, or, in the case of a person not a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation within Ontario of a motor vehicle owned by such non-resident, shall not be suspended or withdrawn under this Part in respect of an offence under clause *a* of subsection 1 of section 81 if such owner, driver or non-resident satisfies the Registrar that at the time of the offence out of which any conviction, committal for trial or forfeiture of bail arose there was in effect,

(a) for the benefit of such owner or driver, a motor vehicle liability policy in the form required by subsection 1 of section 96; or

(b) for the benefit of such non-resident, a motor vehicle liability policy sufficient for the requirements of this Part in respect of proof of financial responsibility issued by an insurer authorized to transact insurance in the state or province in which such non-resident resides and which insurer has filed the power of attorney and undertakings referred to in clauses *a*, *b* and *c* of subsection 5 of section 87.

Rev. Stat.,
c. 167, s. 85,
subs. 1,
amended

17. Subsection 1 of section 85 of *The Highway Traffic Act* is amended by striking out the words "or accident out of which any conviction arises" in the eighth line and inserting in lieu thereof the words "out of which any conviction, committal for trial or forfeiture of bail arose", so that the subsection shall read as follows:

Voluntary
filing of
financial
responsibil-
ity

- (1) An owner's permit and driver's licence, or, in the case of a person not a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation within Ontario of a motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence out of which any conviction, committal for trial or forfeiture of bail arose, proof

of financial responsibility which, at the date of such conviction, is valid and sufficient for the requirements of this Part.

18.—(1) Subsection 3 of section 95 of *The Highway Traffic Act* is amended by striking out the words “after three years from the date of the expiration or” in the third and fourth lines and inserting in lieu thereof the words “upon the” and by striking out the words “within such period” in the sixth line, so that the subsection shall read as follows:

Rev. Stat.,
c. 167, s. 95,
subs. 3,
amended

- (3) The Minister may direct the return of any bond, money or securities deposited under this Part to the person who furnished the same at any time upon the surrender of the last owner's permit or driver's licence issued to such person, if no written notice has been received by the Registrar of any action brought against such person in respect of the ownership, maintenance or operation of a motor vehicle, and upon the filing by such person with the Registrar of a statutory declaration that such person no longer resides in Ontario, or that such person has made a *bona fide* sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years.

Return of
security
when motor
vehicle is
sold

(2) The said section 95 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 167, s. 95,
amended

- (4) In the event of the death of the person on whose behalf any bond, moneys or securities were deposited under this Part, the Minister may direct the return of such bond, moneys or securities.

Return of
security
on death

19. Subsection 2 of section 97 of *The Highway Traffic Act* is amended by adding the word “or” at the end of clause b and by adding thereto the following clause:

Rev. Stat.,
c. 167, s. 97,
subs. 2,
amended

- (c) direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund.

20.—(1) Section 98 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 167, s. 98,
amended

- (1a) Where the Minister, through his solicitor, advises the applicant that he does not intend to oppose the application, a local judge of the Supreme Court may, without the giving of any further notice, make the order directing payment out of the Fund.

Unopposed
applications

Rev. Stat.,
c. 167, s. 98,
subs. 4, cl. d,
subcl. iii,
re-enacted

(2) Subclause iii of clause *d* of subsection 4 of the said section 98 is repealed and the following substituted therefor:

- (iii) taking all reasonable steps available to him to recover upon every judgment so obtained including proceedings by way of garnishee and attachment, proceedings to set aside fraudulent conveyances and all other proceedings in the action or otherwise that might reasonably enable the applicant to recover on his judgment, and

Rev. Stat.,
c. 167, s. 98,
subs. 4,
amended

(3) Subsection 4 of the said section 98 is amended by striking out the word and figures "subsection 5" in the thirtieth line and inserting in lieu thereof the words and figures "subsections 5, 5*a* and 5*b*".

Rev. Stat.,
c. 167, s. 98,
amended

(4) The said section 98 is further amended by adding thereto the following subsections:

Interest

- (5*a*) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Payment to
non-resi-
dents

- (5*b*) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario.

Rev. Stat.,
c. 167, s. 99,
subs. 2,
amended

21. Subsection 2 of section 99 of *The Highway Traffic Act* is amended by inserting after the word "defence" in the sixth line the words "and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances", so that the subsection shall read as follows:

Rights of
Minister

- (2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant.

22. Section 108a of *The Highway Traffic Act*, as enacted Rev. Stat.,
c. 167,
s. 108a
by section 10 of *The Highway Traffic Amendment Act, 1951*, (1951,
c. 34, s. 10),
amended
is amended by adding thereto the following subsection:

(3) No order shall be required to tax such a bill. No order
required

23.—(1) This Act, except section 13, comes into force on Commence-
ment
the day it receives Royal Assent.

(2) Section 13 comes into force on the 1st day of January, Idem
1954.

24. This Act may be cited as *The Highway Traffic Amend-* Short title
ment Act, 1953.

CHAPTER 47

An Act to amend The Homes for the Aged Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 13 of *The Homes for the Aged Act* is amended by adding at the end thereof the words “as equalized for the purposes of this section by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs”, so that the subsection shall read as follows:

Rev. Stat.,
c. 168, s. 13,
subs. 1,
amended

(1) The cost of establishing, erecting and maintaining a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls as equalized for the purposes of this section by the district assessor or, if there is no district assessor, by the Department of Municipal Affairs.

Cost of
homes in
districts

(2) The said section 13 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 168, s. 13,
amended

(3a) Each municipality in the district shall, within ninety days after receipt of the notice mentioned in subsection 3, determine the method it will use in raising the sum required to be provided under subsection 3 and shall take such steps as are necessary to carry the determination into effect.

Determina-
tion of
method of
raising
estimated
amount

2. This Act comes into force on the 1st day of January, 1954.

Commence-
ment

3. This Act may be cited as *The Homes for the Aged Amendment Act, 1953*.

Short title

CHAPTER 48

An Act to amend The Insurance Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 105 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 183, s. 105, amended

(1a) An insurer licensed under this Act for the transaction of fire insurance may include in its insurance contracts a clause or endorsement providing that, in the case of live stock insured against death or injury caused by fire or lightning, the word "lightning" shall be deemed to include other electrical currents. Power to extend meaning of "lightning" in live stock contracts

2.—(1) Subsection 4 of section 117 of *The Insurance Act* is amended by inserting after the word "section" in the first line the words "and in section 117a," so that the subsection shall read as follows: Rev. Stat., c. 183, s. 117, subs. 4, amended

(4) In this section and in section 117a, "surplus" means the assets of the insurer other than the premium note residue after deducting therefrom all liabilities of the insurer (other than contingent liabilities on unexpired contracts) and the proportion of cash payments and instalments thereof paid in advance applicable to unexpired policy contracts calculated as required by subsection 5 of section 74. Interpretation

(2) Subsections 5, 6 and 7 of the said section 117 are repealed. Rev. Stat., c. 183, s. 117, subss. 5, 6, 7, repealed

3. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 183, amended

117a.—(1) The directors may declare a refund from surplus provided that, Refund from surplus

(a) on the effective date of the refund the net surplus of the insurer after deducting the total

amount

amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than \$2,000,000 of net insurance in force, such other amount as shall be approved by the Superintendent;

- (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
- (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and
- (d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the insurer during the three years preceding the effective date of the refund.

TABLE

When the total net amount at risk is greater than	\$125,000,000—	\$0.40
When the total net amount at risk is greater than	75,000,000—	.50
When the total net amount at risk is greater than	25,000,000—	.60
When the total net amount at risk is greater than	10,000,000—	.70
When the total net amount at risk is greater than	5,000,000—	.80
When the total net amount at risk is greater than	2,000,000—	1.00

Where
subs. 1
not to apply

- (2) Subsection 1 shall not apply to cash-mutual fire insurance corporations, or to an insurer the surplus of which as defined by subsection 4 of section 117 exceeds 10 per cent of the total amount at risk.

Where
subs. 1
apply

- (3) Subject to the exceptions in subsection 2, subsection 1 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding up or re-insurance of the insurer.

Rev. Stat..
c. 183, s. 233,
subs. 1
amended

- 4. Subsection 1 of section 233 of *The Insurance Act* is amended by adding thereto the following clause:

(d) the provisions relating to a refund from surplus.

Rev. Stat..
c. 183, s. 235,
re-enacted

- 5. Section 235 of *The Insurance Act* is repealed and the following substituted therefor:

235. On every premium note taken by the insurer there shall be payable at the commencement of the three-year term of insurance a basic cash payment amounting to at least three-fifths of 1 per cent of the sum insured or *pro rata* where the cash payment is paid in advance for a shorter term, and the premium note shall, as to the balance thereof, be subject to assessment by the directors, and when the amount of insurance in force exceeds \$10,000,000 and the total assets of the company including premium note residue do not fall below 2 per cent of the total amount at risk, the basic cash payment may be reduced to three-eighths of 1 per cent of the sum insured for three years or *pro rata* for a shorter term, and when the amount of insurance in force exceeds \$25,000,000 and the total assets of the company including premium note residue do not fall below $1\frac{1}{2}$ per cent of the total amount at risk, the Superintendent may authorize a further reduction of the basic cash payment for three years which shall not be less than three-tenths of 1 per cent of the sum insured or *pro rata* for a shorter term.

6.—(1) Subsection 1 of section 293 of *The Insurance Act* is amended by striking out the words “fire insurance on property in Ontario in” in the fourth and fifth lines and inserting in lieu thereof the words “insurance in Ontario, other than contracts of life insurance, with”, so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 293,
subs. 1,
amended

- (1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person resident in Ontario, a licence to act as a special insurance broker to negotiate, continue or renew contracts of insurance in Ontario, other than contracts of life insurance, with insurers not authorized to transact such business in Ontario.

Licence to
special
insurance
broker

(2) Subsection 6 of the said section 293 is amended by striking out the words “on property” in the first line, by striking out the words “property insured, its location” in the seventh and eighth lines and inserting in lieu thereof the words “risk to be insured” and by striking out the words “the property insured and its location” in the fifteenth and sixteenth lines and inserting in lieu thereof the words “a description of the risk insured”, so that the subsection shall read as follows:

Rev. Stat.,
c. 183, s. 293,
subs. 6,
amended

- (6) Where sufficient insurance in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed

When
licensee
may effect
insurance
with un-
licensed
insurers

to

to do business in Ontario, the person named in such licence may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the risk to be insured and the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario, and the person named in such licence shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, a description of the risk insured, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.

Rev. Stat.,
c. 183,
Sched. A,
item 1,
note,
amended

7. The note at the end of item 1 of Schedule A to *The Insurance Act* is amended by striking out the word "par" in the eighth line and inserting in lieu thereof the words "the current rate", so that the note shall read as follows:

NOTE.—The assets of the insurer as used in this schedule means, if the head office of the insurer is in Canada, the total gross assets of the insurer wherever situate, as exhibited by the balance sheet of the insurer at the end of the last preceding accounting period of the insurer, and as issued to the public in Canada, or, if the head office of the insurer is not in Canada, the equivalent in Canadian currency at the current rate of exchange of the total assets of the insurer exhibited by the head office balance sheet in the currency of the country where the head office of the insurer is situate.

Short title

8. This Act may be cited as *The Insurance Amendment Act, 1953*.

CHAPTER 49

An Act to amend The Interpretation Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 7 of *The Interpretation Act*, ^{Rev. Stat., c. 184, s. 7,} as enacted by section 1 of *The Interpretation Amendment* ^{subs. 2 (1952,} *Act, 1952*, is amended by striking out the words "issued by the Lieutenant-Governor" in the first and second lines, so ^{c. 43, s. 1), amended} that the subsection shall read as follows:

(2) Every proclamation shall be judicially noticed by ^{Idem} all judges, justices of the peace, and others, without being specially pleaded.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Interpretation Amendment* ^{Short title} *Act, 1953*.

CHAPTER 50

An Act to amend The Judicature Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 26 of *The Judicature Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 190, s. 26,
subs. 1,
re-enacted

(1) Except where it is otherwise provided by statute and subject to the rules regulating the terms and conditions on which appeals may be brought, an appeal shall lie to the Court of Appeal from, Appeals to
Court of
Appeal

(a) any judgment, order or decision of a judge of the High Court in court, whether at the trial or otherwise;

(b) any judgment, order or decision of a judge of the High Court in chambers which finally disposes of any cause or matter;

(c) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure which affects the ultimate rights of any party, and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure.

2. Section 102 of *The Judicature Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 190, s. 102,
amended

(4) Where books, documents or papers have been preserved in a court referred to in section 101, other than the Supreme Court, for so long that it appears they need not be preserved any longer, a judge of the court in which such books, documents or papers are preserved may make an order authorizing the Inspector to cause their destruction. Destruction
of docu-
ments

Court of
Appeal,
Can.-Ont.
Tax Rental
Agreement
1952
(2nd Sess.),
c. 1

3. The Court of Appeal has power to perform its functions under clauses 10 and 11 of the agreement between the Government of Canada and the Government of Ontario mentioned in section 1 of *The Corporations and Income Taxes Suspension Act, 1952*.

Commence-
ment

4. This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Judicature Amendment Act, 1953*.

CHAPTER 51

An Act to amend The Jurors Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Jurors Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 191, s. 6,
subs. 3,
re-enacted

(3) In the county of York,

York
county

- (a) the judge of the county court or any junior judge designated by the judge except the senior junior judge, the sheriff or a deputy sheriff designated by the sheriff, the warden or a member of the county council designated by the warden, and the treasurer of the county or the deputy treasurer of the county if designated by the treasurer, shall attend when the selection is being made from the local municipalities of the county other than the city of Toronto;
- (b) the senior of the junior judges of the county court or any other junior judge designated by that judge, the sheriff or a deputy sheriff designated by the sheriff, the mayor of Toronto or a member of the city council designated by the mayor, and the treasurer of Toronto or the deputy treasurer of Toronto if designated by the treasurer, shall attend when the selection is being made for the city of Toronto;
- (c) the senior of the junior judges or the junior judge designated by him, as the case may be, shall be the chairman of the city section of the county selectors, and if neither of such judges is present, the members of that section may appoint from among themselves a chairman *pro tempore*.

Rev. Stat.,
c. 191, s. 53,
amended

2. Section 53 of *The Jurors Act* is amended by striking out the words "except that the number of petit jurors to be summoned in the county of York shall not exceed 288" in the sixth, seventh and eighth lines, so that the section shall read as follows:

And county
courts

53. The provisions of this Act respecting the issue of precepts for the return of a general panel of petit jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of the several county courts.

Short title

3. This Act may be cited as *The Jurors Amendment Act, 1953*.

CHAPTER 52

An Act to amend The Juvenile and Family Courts Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Juvenile and Family Courts Act* is amended by adding thereto the following section: Rev. Stat.,
c. 193,
amended

10*b*. Notwithstanding anything in this Act, the salary of every full-time judge and deputy judge whose salary is fixed by the Lieutenant-Governor in Council shall be paid out of such moneys as may be voted therefor by the Legislature, and an amount equal to the salary, cost-of-living bonus, if any, superannuation credits, if any, and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this section, be responsible for the payment of such salaries. Payment by
and reim-
bursement of
the Province,
salaries, etc.,
of full-time
judges

2. This Act comes into force on the 1st day of May, 1953. Commence-
ment

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1953*. Short title

CHAPTER 53

An Act to amend The Lakes and Rivers Improvement Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 13 of *The Lakes and Rivers Improvement Act* is amended by striking out the words “The Minister” in the first line and inserting in lieu thereof the words “If the Minister deems it necessary or expedient in the public interest, he” and by striking out the words “or reconstruct” in the third line and inserting in lieu thereof the words “reconstruct or remove”, so that the subsection shall read as follows:

Rev. Stat.,
c. 195, s. 13,
subs. 2,
amended

(2) If the Minister deems it necessary or expedient in the public interest, he may, after the receipt of the report of the engineer, order the owner of the dam or other structure or work to repair, reconstruct or remove the same within the time specified in the order.

Order for
repair, re-
construction
or removal
of dams

(2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

Rev. Stat.,
c. 195, s. 13,
subs. 3, re-
enacted

(3) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may cause a plan and description of the site of the dam or other structure or work prepared and signed by an Ontario land surveyor and signed by the Minister to be deposited in the proper registry or land titles office and thereupon such site and the dam or other structure or work and all rights incidental thereto shall be forfeited to the Crown without it making compensation therefor.

Non-com-
pliance
with order

(4) Where a site and the rights of the owner in a dam or other structure or work have been forfeited to the Crown under this section, the Crown shall have over the adjoining and neighbouring lands such rights as may be necessary to repair or reconstruct and maintain and operate or to remove the dam or other structure or work.

Rights of
Crown to
repair, etc.

Rev. Stat.,
c. 195, s. 17,
re-enacted

2. Section 17 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Regulation
of water
levels

17.—(1) Where a dam or other structure or work has been heretofore or is hereafter constructed on a lake or river and the Minister deems it necessary or expedient in the public interest, he may order the owner of the dam or other structure or work to take such steps within the time specified in the order as may be necessary to maintain the level of the water of the lake or river or to raise or lower such level as the order may provide.

Non-com-
pliance with
order

(2) Where the owner fails to comply with an order made under this section within the time specified in the order, the Minister may cause to be done whatever is necessary to achieve the result intended by the order and the cost thereof, as certified by him, shall be a debt due by the owner to the Crown and shall be recoverable with costs in any court of competent jurisdiction at the suit of the Treasurer of Ontario.

Where
section not
to apply

(3) This section does not apply to any lake or river over which the International Joint Commission established under the Boundary Waters Treaty of 1909 or any public authority exercising jurisdiction under the Parliament of Canada or The Lake of the Woods Control Board established under *The Lake of the Woods Control Board Act, 1922* has jurisdiction with respect to the level of the water.

1922, c. 21

Rev. Stat.,
c. 195, s. 31,
re-enacted

3. Section 31 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Interpre-
tation

31. In sections 31*a* and 32, "mill" means a plant or works in which logs or wood-bolts are processed and includes a saw mill, a pulp mill, and a pulp and paper mill.

Prohibition
against
throwing
refuse into
lake or
river, etc.

31*a*.—(1) No person shall throw, deposit or discharge, or permit the throwing, depositing or discharging of, any refuse, sawdust, chemical, substance or matter from any mill into a lake or river, or on the shores or banks thereof.

Penalty

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$200.

Non-
compliance
with order

(3) Where an officer of the Department of Lands and Forests finds that any refuse, sawdust, chemical, substance

substance or matter from a mill is being thrown, deposited or discharged into a lake or river, or on the shores or banks thereof, he may, if authorized by the Minister to do so, order the owner or occupier of the mill to cause such throwing, depositing or discharging to cease, and may order, where in his opinion it is practicable to do so, that such owner or occupier take such steps within the time specified in the order as may be necessary to remove the refuse, sawdust, chemical, substance, or matter from the lake or river or from the shores or banks thereof, and any owner or occupier who fails to comply with any such order is guilty of an offence and on summary conviction is liable to a penalty of \$50 for each day that he does not comply with the order.

4. Subsection 1 of section 32 of *The Lakes and Rivers Improvement Act* is repealed. Rev. Stat.,
c. 195, s. 32,
subs. 1,
repealed

5. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1953*. Short title

CHAPTER 54

An Act to amend The Land Titles Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Land Titles Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 197, s. 23,
subs. 1, ~~amended~~

(i) any liabilities, rights and interests created under section 93 of *The Highway Improvement Act*.

Rev. Stat.,
c. 166

2. *The Land Titles Act* is amended by renumbering section 107a, as enacted by section 1 of *The Land Titles Amendment Act, 1951*, as section 107b and by adding thereto the following section:

Rev. Stat.,
c. 197,
amended

107a.—(1) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a plan having been registered under this or any other Act showing such subdivisions, or where parts of lots shown by a registered plan have been sold or conveyed, and the lots or parcels so sold or conveyed are not distinguished by numbers or letters, a judge of the county or district court of the county or district in which the land is situate, on the application of the Inspector, after such notice as the judge may deem reasonable, may make an order directing the proper master of titles to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as the judge thinks fit, and a plan or plans thereof to be made in accordance with the records in the land titles office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, and the order of the judge shall be endorsed on or attached to the plan and signed by him.

Power of
judge of
county court
to order
plans to
be filed

(2) The costs and expenses of and incidental to the application and the plan and the registration thereof

Costs

shall

shall be borne by the person or municipality to be named by the judge in the order and where the costs and expenses are directed to be borne by the municipality, the judge may by his order direct repayment of them to the municipality by the levy of a special rate by assessment on all the lots included in the plan.

Effect of
filing order

- (3) On filing the order with the clerk the order may be enforced as if it were a judgment of the court.

Effect of
registration

- (4) The registration of the plan shall be binding on all persons subsequently dealing with the land or any part thereof included in the plan or any interest in or concerning the same, but shall not affect the rights or interests of any owner or other person entitled at or before the date of registration.

Contribution
by Crown to
cost of plan

- (5) Where land is proposed to be subdivided by plan under this section, the Inspector may cause the Attorney-General to be notified of the application, and the Attorney-General, on behalf of the Crown, may either submit that the Crown shall pay or contribute such part of the costs and expenses mentioned in subsection 2 as the judge may determine to be reasonable, or the Attorney-General may consent, on behalf of the Crown, that the Crown shall pay and contribute a definite part of such costs and expenses, and in either of such cases the judge may direct by what person or municipality the remainder of such costs and expenses shall be borne, and any such order may be entered and filed and may be enforced as against such person or municipality in the same manner as the order provided for in subsection 2.

Rev. Stat.,
c. 197, s. 127,
amended

3. Section 127 of *The Land Titles Act* is amended by adding thereto the following subsection:

Where sum
over \$200
in certain
cases

- (3a) Where an application is made for first registration of a parcel of unimproved or vacant land and a plan of subdivision is filed therewith and the amount to be paid on such registration as calculated in accordance with subsection 2 exceeds \$200, the amount payable shall be \$200.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Land Titles Amendment Act, 1953*.

CHAPTER 55

An Act to amend The Law Society Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act* is amended by adding thereto the following section: Rev. Stat.,
c. 200,
amended

- 51b.—(1) The benchers may establish, maintain and administer a fund to be called “The Compensation Fund” from which grants may be made in cases that the benchers consider suitable for such treatment and in their absolute discretion decide so to treat in order to relieve or mitigate loss sustained by any person in consequence of dishonesty on the part of any member of the Bar of Ontario in connection with such member’s law practice or in connection with any trust of which he was a trustee, notwithstanding that after the commission of the act of dishonesty he may have died or ceased to administer his affairs or to be a member of the Bar of Ontario. Compensation
Fund
- (2) The Compensation Fund shall be held by the benchers in trust for the purposes of this section and it shall be made up of, Composition
of Fund
- (a) all moneys paid by members of the Bar of Ontario under subsection 3;
 - (b) all moneys earned from the investment of moneys in the Fund; and
 - (c) all moneys recovered from members or former members of the Bar of Ontario or their estates under subsection 6.
- (3) Every member of the Bar of Ontario engaged in practice or employed in Ontario shall pay annually \$10, or such other amount as the benchers may from time to time determine, to the Society to be paid Annual
levy

into

into The Compensation Fund, but the benchers may exempt in whole or in part any class of such members that it may designate from the requirement of this subsection.

Insurance

- (4) The Society may insure with any insurer licensed to carry on business in Ontario for such purposes and on such terms as the benchers deem expedient in relation to The Compensation Fund, and in such event the moneys in the Fund may be used for the payment of premiums.

Conditions
of grants

- (5) No grant shall be made out of The Compensation Fund,
- (a) in respect of a loss that came to the knowledge of the person suffering the loss before the Fund came into operation; and
- (b) unless notice of the loss is received by the Secretary of the Society within six months after the loss came to the knowledge of the person suffering the loss or within such further time, not exceeding eighteen months, as the benchers may in any case allow.

Subrogation

- (6) Where a grant is made under this section, the Society shall be subrogated, to the amount of the grant, to any rights or remedies to which the person receiving the grant was entitled on account of the loss in respect of which the grant was made against the dishonest member or any other person, or, in the event of the death or insolvency or other disability of such member or other person, against his personal representative or other person administering his estate.

Grantees'
rights con-
ditionally
limited

- (7) The person to whom a grant is made under this section, or, in the event of his death or insolvency or other disability, his personal representative or other person administering his estate, has no right to receive anything from the dishonest member or his estate in respect of the loss in respect of which the grant was made until the Society has been reimbursed the full amount of the grant.

Attendance
of witnesses

- (8) In considering applications for grants under this section the benchers have the same power to enforce the attendance of witnesses and to compel them to

give

give evidence and produce documents and things as is vested in any court in civil cases.

- (9) The benchers may make such regulations not in-^{Regulations} consistent with this section as they consider appropriate in connection with the administration of The Compensation Fund.

- (10) The benchers may delegate any or all of the powers^{Delegation of powers} conferred upon them under this section to their discipline committee or to any other of their committees that they consider appropriate.

- (11) For the purposes of this section the expression^{Interpretation} "member of the Bar of Ontario" includes a solicitor within the meaning of *The Solicitors Act*.^{Rev. Stat., c. 368}

2. The benchers may by regulation fix the day on which<sup>Commence-
ment of
Fund</sup> The Compensation Fund is to come into operation.

3. This Act comes into force on the day it receives Royal<sup>Commence-
ment of Act</sup> Assent.

4. This Act may be cited as *The Law Society Amendment*^{Short title} *Act, 1953*.

CHAPTER 56

An Act to amend The Legislative Assembly Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 2 of section 8 of *The Legislative Assembly Act* is repealed and the following substituted therefor: Rev. Stat., c. 202, s. 8, subs. 2, cl. *e*, re-enacted

(*e*) a member of any commission, board, committee or other body holding office at the nomination of the Lieutenant-Governor in Council, but this clause does not apply to members of the Ontario Labour Relations Board, The Liquor Licence Board of Ontario, the Ontario Municipal Board, the Workmen's Compensation Board, the Ontario Securities Commission, The Milk Control Board of Ontario, the Civil Service Commission, or the Board of Parole.

2. Section 11 of *The Legislative Assembly Act* is amended by striking out the word "between" in the second line and inserting in lieu thereof the word "before", so that the section shall read as follows: Rev. Stat., c. 202, s. 11, amended

11. No disqualification under section 8 or 9 on any ground arising before the election shall be held by any court to affect the seat of a member of the Assembly or to disentitle any person to sit or vote therein until the disqualification has been duly found and declared by an election court; but this is not to be construed as affecting the cases provided for by subsection 2 of section 10, nor as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. When disqualification to become operative

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1953*. Short title

CHAPTER 57

An Act to amend The Liquor Control Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 210, s. 1,
cl. *e*,
re-enacted

(*e*) "Government store" means a store established or authorized under this Act by the Board for the sale of liquor, for the sale of Ontario wine only or for the sale of beer only, and includes a store of the Brewers' Warehousing Company Limited and a store of a producer of Ontario wine.

2. Clause *c* of section 9 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 210, s. 9,
cl. *c*,
re-enacted

(*c*) subject to *The Liquor Licence Act*, to determine the municipalities within which Government stores shall be established or authorized and the situation of such stores within such municipalities. location
of stores

3. Section 26 of *The Liquor Control Act* is amended by inserting after the word "Act" in the second line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said second line the words "hereunder or thereunder", so that the section shall read as follows: Rev. Stat.,
c. 210, s. 26,
amended

26. Every vendor and every official authorized by the Board to issue permits under this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder may administer any oath and take and receive any evidence or declaration required under this Act or the regulations. Administra-
tion of oaths
Rev. Stat.,
c. 211

4. Subsection 1 of section 69 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*The Liquor Licence Act*" and by inserting after the word "regulations" in the said first line the words "here- Rev. Stat.,
c. 210, s. 69,
subs. 1,
amended

under

under or thereunder", so that the subsection shall read as follows:

Unauthor-
ized sale,
etc., of liquor
prohibited
Rev. Stat.,
c. 211

- (1) Except as provided by this Act, *The Liquor Licence Act* or the regulations hereunder or thereunder, no person shall by himself, his clerk, servant or agent, expose, or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell liquor, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give liquor to any other person.

Rev. Stat.,
c. 210, s. 138,
subs. 12,
amended

5.—(1) Subsection 12 of section 138 of *The Liquor Control Act* is amended by striking out all the words after the word "from" in the eighth line, so that the subsection shall read as follows:

Appeal to
be on
evidence
before
justice

- (12) The appeal shall be heard and determined upon the evidence and proceedings had and taken before the justice to be called the record, and the judge may, upon such hearing, make such order as he may think fit affirming, reversing or amending the conviction appealed from, and the conviction so made shall have the same effect and be enforced in the same way as if made by the justice whose conviction is appealed from.

Rev. Stat.,
c. 210, s. 138,
subs. 14,
amended

(2) Subsection 14 of the said section 138 is amended by striking out the words "may, with the consent of the Attorney-General procured within 15 days of the date of the order of dismissal, appeal" in the second, third and fourth lines and inserting in lieu thereof the words "may appeal on any ground that involves a question of law alone", so that the subsection shall read as follows:

Appeal
from order
of dismissal

- (14) Any informant or complainant dissatisfied with an order of dismissal made by a justice under this Act may appeal on any ground that involves a question of law alone to the judge of the county or district court in the county or district in which the order complained of was made, and the proceedings shall be the same as nearly as may be as in the case of an appeal by a person convicted under this Act, and the judge shall have and may exercise the same powers as in the case of an appeal against a conviction, and may make such order as he may think fit and the deposit of security in such case shall be dispensed with.

Rev. Stat.,
c. 210, s. 139,
re-enacted

6. Section 139 of *The Liquor Control Act* is repealed and the following substituted therefor:

139. An appeal to the Court of Appeal against any ^{Appeal to} decision of the judge under section 138 may be taken ^{Court of} with leave of the Court of Appeal or a judge thereof ^{Appeal} on any ground that involves a question of law alone and the provisions of *The Summary Convictions Act* ^{Rev. Stat.,} relating to appeals to the Court of Appeal shall apply ^{c. 379} *mutatis mutandis*.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. This Act may be cited as *The Liquor Control Amend-* ^{Short title} *ment Act, 1953*.

CHAPTER 58

An Act to amend The Liquor Licence Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 21 of *The Liquor Licence Act* is amended by adding thereto the following clauses: Rev. Stat.,
c. 211, s. 21,
subs. 1,
amended

- (f) "club licence" for the sale and consumption of liquor with or without meals in an establishment classified as a club;
- (g) "club licence (restricted)" for the sale and consumption of beer and wine with meals and beer without meals in an establishment classified as a club.

2.—(1) Clause *c* of subsection 1 of section 24 of *The Liquor Licence Act* is amended by striking out the word "Clubs" at the commencement thereof. Rev. Stat.,
c. 211, s. 24,
subs. 1, cl. c,
amended

(2) Clause *e* of subsection 1 of the said section 24 is repealed and the following substituted therefor: Rev. Stat.,
c. 211, s. 24,
subs. 1, cl. e,
re-enacted

- (e) Public house, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect to which a licence is issued,

- (i) a public house licence,
 - (ii) a dining room licence.

(3) Subsection 1 of the said section 24 is amended by adding thereto the following clause: Rev. Stat.,
c. 211, s. 24,
subs. 1,
amended

- (f) Clubs, having special accommodation facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect to which a licence is issued,

- (i) a club licence,
 - (ii) a club licence (restricted).

Rev. Stat.,
c. 211, s. 28,
amended

3. Section 28 of *The Liquor Licence Act* is amended by adding thereto the following subsection:

Time for
prosecution

- (3) The information or complaint for the prosecution for an offence under subsection 2 shall be laid within one year after the commission of the offence.

Rev. Stat.,
c. 211, s. 44,
subss. 1, 2,
re-enacted;
subs. 3,
repealed

4.—(1) Subsections 1, 2 and 3 of section 44 of *The Liquor Licence Act* are repealed and the following substituted therefor:

Transfer of
licences

- (1) No licence shall be transferred except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.

Transfer fee

- (2) Upon a transfer of a licence the transferor shall pay to the Treasurer of Ontario at the time of the transfer such fee as the regulations prescribe.

Rev. Stat.,
c. 211, s. 44,
subs. 6,
amended

(2) Subsection 6 of the said section 44 is amended by striking out the words "monopoly value" in the second line and inserting in lieu thereof the words "transfer fee", so that the subsection shall read as follows:

When
transfer
final

- (6) The transfer of a licence shall not be deemed to be final until the amount of the transfer fee has been paid in full.

Rev. Stat.,
c. 211,
amended

5. *The Liquor Licence Act* is amended by adding thereto the following section:

Issue or
transfer of
shares of
corporation

44a. The Board may in its discretion require the directors of an incorporated company that is the holder of a licence to present to the Board for approval any issue or transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is issued or transferred the provisions of subsection 2 of section 44 shall apply *mutatis mutandis*.

Rev. Stat.,
c. 211, s. 51,
subs. 2,
amended

6. Subsection 2 of section 51 of *The Liquor Licence Act* is amended by inserting after the word "sold" in the first line the words "or supplied", so that the subsection shall read as follows:

Idem

- (2) No liquor shall be sold or supplied to a person who is apparently under the age of twenty-one years, and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

7. Section 56 of *The Liquor Licence Act, 1946* is repealed. 1946, c. 47,
s. 56,
repealed
8. This Act comes into force on the day it receives Royal Commence-
Assent. ment
9. This Act may be cited as *The Liquor Licence Amendment Act, 1953*. Short title

CHAPTER 59

An Act to amend The Loan and Trust Corporations Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Loan and Trust Corporations Act* Rev. Stat., c. 214, Sched. B, amended is amended by adding thereto the following item:

- 22. Examining and passing upon applications or documents in connection with any matter not specifically referred to in this Schedule \$ 25.00
- Order in Council..... 100.00

2. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1953*. Short title

CHAPTER 60

An Act to amend The Local Improvement Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 53 of *The Local Improvement Act* is amended by inserting after the word "passed" in the fourth line the words "but not later than during the year next following the year in which such work is completed", so that the section shall read as follows:

Rev. Stat.,
c. 215, s. 53,
amended

53. Any special or general rate imposed by a by-law providing for the issue of debentures to pay for the cost or part of the cost of a work undertaken under this Act may be levied by the council as soon as the by-law is passed but not later than during the year next following the year in which such work is completed, and no such rate heretofore or hereafter levied shall be held to be illegal by reason of the debentures in respect to which the rate is levied, or any of same, not having been issued at the time of levying the rate.

Time special
or general
rate may
be levied

2. This Act comes into force on the 1st day of January, 1954.

Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1953*.

Short title

CHAPTER 61

An Act to amend The Mechanics' Lien Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Mechanics' Lien Act* ^{Rev. Stat., c. 227, s. 29, subs. 1,} is amended by inserting after the word "land" in the fourth line the words "or part thereof", so that the subsection shall ^{amended} read as follows:

- (1) A lien shall be enforced in the Supreme Court in an ^{Mode of realizing lien} action to be commenced by filing in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate a statement of claim, verified by affidavit (Form 5), which affidavit may be made by any of the persons named in subsection 2 of section 16.

2.—(1) Subsection 1 of section 31 of *The Mechanics' Lien Act* ^{Rev. Stat., c. 227, s. 31, subs. 1,} is amended by inserting after the word "land" in the second line the words "or part thereof" and by inserting ^{amended} after the word "situate" in the third line the word "wholly", so that the subsection shall read as follows:

- (1) The action shall be tried in the county or district ^{Where actions to be tried} in which the land or part thereof is situate before a judge of the county or district court, provided that where the land is situate wholly in the County of York the action shall be tried before a Master of the Supreme Court or an Assistant Master.

(2) Subsection 2 of the said section 31 is amended by ^{Rev. Stat., c. 227, s. 31, subs. 2,} inserting after the word "land" in the sixth line the words ^{amended} "or part thereof", so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, upon the application of any party to an action, made according to the practice of the Supreme Court, and upon notice the court may direct that the action be tried before a ^{When action may be tried in S.C.O.} judge

judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the land or part thereof is situate.

Short title

3. This Act may be cited as *The Mechanics' Lien Amendment Act, 1953*.

CHAPTER 62

An Act to amend The Medical Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 19*a* of *The Medical Act*, as enacted by section 1 of *The Medical Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat.,
c. 228, s. 19*a*,
subs. 2, cl. *b*
(1952,
c. 55, s. 1)
re-enacted

(*b*) is employed as an interne or is engaged in post graduate work in,

- (i) a public hospital which in the regulations under *The Public Hospitals Act* is classed as a Rev. Stat.,
c. 307 Group A hospital, or
- (ii) a hospital operated and maintained by Her Majesty in right of Canada; and

.

2. This Act may be cited as *The Medical Amendment Act*, Short title 1953.

CHAPTER 63

An Act to amend The Milk Control Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Clauses *a* and *b* of section 12 of *The Milk Control Act* Rev. Stat.,
c. 233, s. 12,
cls. *a*, *b*,
re-enacted
 are repealed and the following substituted therefor:

- (*a*) requiring every producer so engaged to pay licence
 fees to the association;
- (*b*) requiring the licence fees to be paid in different
 amounts or in instalments;
- (*bb*) requiring,
 - (i) every processor, or
 - (ii) every distributor, or
 - (iii) every processor and distributor,

who receives milk from any such producer to deduct
 the amount of the licence fees of such producer from
 moneys payable to the producer and to pay such
 amount to the association; and

.

2.—(1) Subsection 1 of section 14 of *The Milk Control Act* Rev. Stat.,
c. 233, s. 14,
subs. 1,
amended
 is amended by striking out the words “distribution areas”
 in the second line and inserting in lieu thereof the words
 “areas in which the distributor may distribute milk”, so that
 the subsection shall read as follows:

- (1) Any licence issued under this Act to a distributor Distributors’
licences may
restrict area
of distri-
bution
 may specify one or more areas in which the dis-
 tributor may distribute milk.

(2) Subsection 2 of the said section 14 is amended by Rev. Stat.,
c. 233, s. 14,
subs. 2,
amended
 striking out the word “distribution” in the first line, so that
 the subsection shall read as follows:

Prohibition

- (2) Where one or more areas are specified in a licence, the distributor to whom it is issued shall not distribute milk in any area other than the area or areas so specified.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Milk Control Amendment Act, 1953*.

CHAPTER 64

An Act to amend The Mining Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mining Act* is amended by adding thereto the following section: Rev. Stat.,
c. 236,
amended

41a. Where a mining claim adjoins or is adjacent to a highway or road maintained by the Department of Highways, no surface mining operations shall be carried on within 150 feet of the limits of the highway or road except with the consent in writing of the Minister. Surface
operations
within
150 feet of
highway

2.—(1) Subsection 1 of section 47 of *The Mining Act* is amended by striking out the symbol and figure "\$4" in the sixth line and inserting in lieu thereof the symbol and figure "\$5", so that the subsection shall read as follows: Rev. Stat.,
c. 236, s. 47,
subs. 1,
amended

(1) Mining lands in a provincial forest shall not be sold or granted but a lease of such lands may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each subsequent year, but the minimum rental shall be \$10 for the first year and \$5 for each subsequent year. Mining
lands in
provincial
forest not
to be sold

(2) Subsection 2 of the said section 47 is repealed and the following substituted therefor: Rev. Stat.,
c. 236,
s. 47, subs. 2,
re-enacted

(2) Every such lease shall be renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister may, in the circumstances of the case, deem proper. Renewal
of leases

Rate

- (2a) The annual renewal rental shall be at the rate of 25 cents per acre, but the minimum annual rental shall be \$5.

Rev. Stat.,
c. 236,
amended

3. *The Mining Act* is amended by adding thereto the following section:

Mining
claims on
agricultural
lands

- 49a.—(1) Where the Minister of Lands and Forests certifies that land is suitable for disposition for agricultural purposes, a mining claim staked thereon shall not give the staker any right, title or interest in or to the surface rights.

Where
surface
rights
necessary
for mining
operations

- (2) Where surface rights on any such land are necessary to the carrying on of mining operations, the Minister may determine the part of the surface rights so required, and if not previously disposed of, may sell or award the surface rights or such portion thereof to the claim holder as he may deem essential to the efficient carrying on of mining operations, and he may require the claim holder to have such surveys made at the expense of the claim holder as he considers proper.

Rev. Stat.,
c. 236,
s. 52, subs. 3,
amended

4.—(1) Subsection 3 of section 52 of *The Mining Act* is amended by striking out all the words after the word "section" in the ninth line, so that the subsection shall read as follows:

Lands
covered
with water

- (3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered with water which would, if not covered with water, have been comprised in the area of the lot, quarter-section or subdivision of a section, or have constituted a lot, quarter-section or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter-section or subdivision of a section.

Rev. Stat.,
c. 236, s. 52,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 52 is repealed and the following substituted therefor:

Crown
reservation

- (4) Where a claim includes land covered with or bordering on water, there may be reserved for the Crown the surface rights not exceeding 400 feet in width from the high water mark.

- (5) Where a claim consists of or partly consists of land under navigable water, a lease or licence only to extract the mineral from the land under the navigable water may be granted. Land under navigable water
- (6) The annual rental of such lease or licence shall be at the rate of \$1 per acre for the first year and 25 cents per acre for each subsequent year, but the minimum annual rental shall be \$1. Rate
- (7) Subsections 3, 4 and 5 of section 47 shall apply *mutatis mutandis* to such licences and leases. S. 47, subss. 3, 4, 5 to apply

5. Subsection 3 of section 80 of *The Mining Act* is amended by adding at the end thereof the words "and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 80 subs. 3, amended

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail, Work reports
- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who perform the work; and
- (c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole, and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim.

6.—(1) Subsection 4 of section 81 of *The Mining Act* is amended by striking out the words "a compressed air drill or other power driven rock drill" in the first and second lines and inserting in lieu thereof the words "mechanical equipment" and by striking out the words "the drill" in the fourth line and inserting in lieu thereof the words "such mechanical equipment", so that the subsection shall read as follows: Rev. Stat., c. 236, s. 81 subs. 4, amended

Mechanical
equipment

- (4) Work done by mechanical equipment of a type approved by the Minister shall count as work at the rate of two days work in respect of each man necessarily employed in operating such mechanical equipment for each day of his employment.

Rev. Stat.,
c. 236, s. 81,
subs. 7,
amended

- (2) Subsection 7 of the said section 81 is amended by striking out the words "power driven mechanical equipment or equipment" in the first and second lines and by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figures "\$10", so that the subsection shall read as follows:

Stripping

- (7) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent not exceeding one hundred days work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister within thirty days of the recording of such work.

Rev. Stat.,
c. 236, s. 89,
re-enacted

7. Section 89 of *The Mining Act* is repealed and the following substituted therefor:

Relief
against
forfeiture

- 89.—(1) Where forfeiture or loss of rights occurs under subsection 4 of section 61 or under subsection 1 of section 88, the Judge may upon such terms as he deems just make an order relieving the person in default from such forfeiture or loss of rights, subject to the following:

1. Where forfeiture or loss of rights occurs under clause *a* of subsection 1 of section 88, the Judge's order shall authorize and require a special renewal of the claim holder's licence, which may be issued only on payment of twice the prescribed fee.
2. Where forfeiture or loss of rights occurs under clause *c* or *d* of subsection 1 of section 88, relief may be granted only within six months of such forfeiture or loss of rights, and in the case of forfeiture under clause *d* the claim holder shall file a proper report.
3. Not more than one order relieving from forfeiture or loss of rights shall be made in respect of the work required to be performed within one year immediately following the

recording

recording of the claim, and not more than one order shall be made in respect of the performance of work required to be done in each succeeding period thereafter, nor shall any order made be extended.

- (2) If application is made to the Judge within thirty ^{Extension of time} days before the time forfeiture or loss of rights would occur, he may make an order or orders granting one extension of time in respect of one or more of the following:
1. For affixing the metal tags to the corner posts of the claim.
 2. For performing any work required to be performed in any twelve months period.
 3. For paying the money required for patent or lease.
- (3) Where before subsections 1 and 2 come into force ^{Idem} the Judge has made an order granting an extension of time for the fulfilment of the requirements of the Act, he may, notwithstanding anything in this section, make an order granting one additional extension of time for a period of not more than one year if application is made therefor before the forfeiture or loss of rights occurs.
- (4) Where the Judge extends the time for performing ^{Filing of report} work, the report of the performance thereof shall be filed within such extended time.
- (5) Where forfeiture or loss of rights has occurred, ^{Re-staking} the lands, mining rights or mining claims concerned shall not be open for staking until seven o'clock in the forenoon of the day immediately following that upon which forfeiture or loss of rights occurred.
- (6) No order made by the Judge under this section shall ^{Filing of Judge's orders} come into effect until it is filed in the office of the mining recorder for the mining division in which the claims are situated and until the prescribed fees are paid.
- (7) The recorder, upon any forfeiture or abandonment ^{Cancellation of record} of or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the

record

record of the claim and mark the record of the claim "Cancelled", and shall post up forthwith in his office a notice of cancellation.

Rev. Stat.,
c. 236,
amended

8. *The Mining Act* is amended by adding thereto the following section:

Licence
to prospect
by technical
methods

205.—(1) Where the Minister is satisfied that any terrain, due to the paucity of rock outcrops or for any other reason, cannot be prospected or explored for its mineral possibilities by other than geophysical or other technical methods, he may, notwithstanding anything in this Act and subject to the approval of the Lieutenant-Governor in Council, issue a licence to prospect and explore any such area that he may designate for base metals and minerals, other than petroleum oil and natural gas, subject to the following:

1. The licence shall be for a term of three years and may contain such conditions as the Minister considers proper.
2. The fee for the licence shall be \$1,000 payable annually during the term of the licence.
3. The area for which a licence may be issued shall be in one parcel and shall not be greater than 64,000 acres.
4. A licensee may surrender his licence at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.
5. The Minister may terminate a licence at any time if he is satisfied that the licensee has not complied with this section and the conditions of the licence.
6. Before the issue of a licence the applicant therefor shall furnish to the Minister a cash deposit of \$25,000 which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of

the

the Minister, the deposit shall be forfeited to and become the property of the Crown.

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 per acre, but in no case shall such annual expenditure be less than \$25,000.
8. A plan detailing the nature of a proposed annual expenditure shall be submitted to the Minister for approval within ninety days of the date of issue or anniversary date of the licence, as the case may be, and if the plan is approved, the exploratory work shall be commenced within six months thereafter.
9. The licensee shall,
 - (i) within thirty days after the anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in item 7,
 - (ii) within sixty days of completion submit to the Minister full reports and plans of all geological or geophysical examinations, drillings or other exploratory work, including detailed logs of all holes drilled,
 - (iii) correctly label all drill cores and cuttings, and
 - (iv) permit the Minister or his authorized agent to examine all drill cores and cuttings at any time not later than six months after the completion of the drilling.
- (2) If a deposit of mineral is found by a licensee which in ^{Lease} the opinion of the Minister is of economic importance, the licensee shall be entitled to apply for a lease comprising not more than 10 per cent of the area for which the licence was issued.
- (3) The lease shall be for a term of ten years and shall ^{Idem} contain such conditions as the Minister deems proper.

- Rental (4) The annual rental shall be at the rate of not less than 50 cents nor more than \$5 per acre.
- Renewal (5) The lease may be renewed for terms of ten years at such rental and subject to such conditions as the Minister deems proper.
- Regulations (6) The Lieutenant-Governor in Council may make such regulations as he deems expedient for the better carrying out of this section.

Rev. Stat.,
c. 236,
Sched.,
items 2, 4,
repealed

9.—(1) Items 2 and 4 of the Schedule to *The Mining Act* are repealed.

Rev. Stat.,
c. 236,
Sched.,
item 18,
re-enacted

(2) Item 18 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

18. For recording an order of the Judge relieving against forfeiture or loss of rights, extending the time for performing working conditions, or both, or authorizing the filing of a belated report of work, affixing metal tags or making application and payment for patent or lease, per claim.....\$5.00

Rev. Stat.,
c. 236,
Sched.,
item 23,
re-enacted

(3) Item 23 of the Schedule to *The Mining Act* is repealed and the following substituted therefor:

23. For abstract or copy of entries in record book respecting any mining claim..... .50

Short title

10. This Act may be cited as *The Mining Amendment Act, 1953*.

CHAPTER 65

An Act to amend The Mining Tax Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 14,
subs. 1,
re-enacted

(1) Except as hereinafter provided,

Acreage tax

- (a) every mining location or part thereof and every mining claim or part thereof in territory without municipal organization held either mediately or immediately under patent or lease acquired under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;
- (c) all mining rights in, upon or under every mining location or part thereof and every mining claim or part thereof in a municipality and patented or leased under or pursuant to any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall

shall be liable for, and the owner, holder and lessee thereof shall pay an acreage tax of 10 cents per acre in each year, provided that the minimum tax shall be \$1 per year in a municipality and \$4 per year in territory without municipal organization.

Rev. Stat.,
c. 237, s. 14,
amended

(2) The said section 14 is further amended by adding thereto the following subsection:

Exemption

(1a) No such tax shall be payable in respect of mining lands or mining rights granted by the Crown under lease or renewal lease issued on or after the 1st day of June, 1953.

Commence-
ment

2.—(1) This Act, except subsection 2 of section 1, comes into force on the 1st day of January, 1954.

Idem

(2) Subsection 2 of section 1 comes into force on the day this Act receives Royal Assent.

Short title

3. This Act may be cited as *The Mining Tax Amendment Act, 1953*.

CHAPTER 66

An Act to amend The Mortgages Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Mortgages Act* is amended by adding thereto the following section: Rev. Stat.,
c. 239,
amended

19a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

- (a) at any time before sale under the mortgage or before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor may perform such covenant or pay the amount of moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he shall be relieved from the consequences of such default; or
- (b) in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, upon performance of such covenant or upon payment of the moneys due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the mortgagor may apply to the court for relief, and
 - (i) if judgment has not been recovered the court shall dismiss the action, or

(ii)

- (ii) if judgment has been recovered but no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place the court may stay proceedings in the action.

Subsequent
default

- (2) Where proceedings have been stayed under sub-clause ii of clause *b* of subsection 1 and default again occurs under the mortgage, the court upon application may remove the stay.

Application

- (2) Section 19*a* of *The Mortgages Act*, as enacted by subsection 1 of this section, applies to mortgages existing on or made after the day this Act comes into force.

Commence-
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Mortgages Amendment Act, 1953*.

CHAPTER 67

An Act to repeal The Mortgage Tax Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgage Tax Act* is repealed. Rev. Stat.,
c. 240,
repealed
2. Every by-law in force under *The Mortgage Tax Act* on the 31st day of March, 1953, is repealed. By-laws
repealed
3. On or before the 30th day of September, 1953, there shall be paid, out of such moneys as may be appropriated therefor by the Legislature, 1953 pay-
ments
 - (a) \$130,000 to The Corporation of the County of York;
 - (b) \$80,000 to The Corporation of the City of Toronto;
 - (c) \$30,000 to The Corporation of the City of Hamilton.
4. This Act comes into force on the 1st day of April, 1953. Commence-
ment
5. This Act may be cited as *The Mortgage Tax Repeal Act*, Short title
1953.

CHAPTER 68

An Act to amend The Mortmain and Charitable Uses Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Mortmain and Charitable Uses Act* is repealed. Rev. Stat., c. 241, s. 1, subs. 1, cl. *d*, repealed

2. Sections 2, 3, 4 and 5 of *The Mortmain and Charitable Uses Act* are repealed and the following substituted therefor: Rev. Stat., c. 241, ss. 2-5, re-enacted

- 2.—(1) Land shall not be assured to or for the benefit of or acquired or held by or on behalf of any corporation in mortmain otherwise than under the authority of a licence or of a statute for the time being in force. Prohibition against mortmain
- (2) Where land is assured, acquired or held contrary to subsection 1, it shall be forfeited to the Crown upon the expiration of at least six months after notice in writing is given to the corporation of the intention of the Crown to claim the land and upon the Crown registering in the proper registry or land titles office a similar notice against the land. Forfeiture
- (3) Upon the registration of such notice against the land, it shall be deemed to be a charge against the land. Effect of registration of notice
- (4) Such a charge may be released or vacated at any time upon the registration in the proper registry or land titles office of a release or cessation, as the case may be, of the charge. Release or vacation
- (5) The corporation may dispose of the land free from and clear of any forfeiture or any liability to forfeiture under this section until the expiration of the six months period mentioned in subsection 2 and Right of disposal

until

until the notice mentioned in subsection 2 is registered against the land.

Application
of subss. 2-5

- (6) Subsections 2 to 5 apply to land that was before the 30th day of April, 1954, assured to or for the benefit of or acquired or held by or on behalf of any corporation in mortmain otherwise than under the authority of a licence or of a statute for the time being in force, except where the Crown has entered on and held the land before that date, and to land so assured, acquired or held on or after that date.

Saving for
rents and
services

3. No forfeiture to the Crown under section 2 shall merge or extinguish or otherwise affect any rent or service that may be due to the Crown in respect of any land.

Power to
issue
licences in
mortmain

- 4.—(1) The Lieutenant-Governor may in his discretion issue to any person or corporation a licence in such form as he thinks fit to assure land in mortmain in perpetuity or otherwise, and may in his discretion issue to any corporation a licence to acquire land in mortmain, and to hold such land in perpetuity or otherwise.

Powers of
Provincial
Secretary

- (2) The Provincial Secretary may in his discretion and under the seal of his office have, use, exercise and enjoy any power, right or authority conferred on the Lieutenant-Governor, by subsection 1.

Proof to be
furnished on
application

- (3) Upon the application for a licence issued under this Act, the applicant shall establish to the satisfaction of the Provincial Secretary, or such officer as may be charged by him to report thereon, that the provisions of this Act and the regulations have been complied with, and the Provincial Secretary or such officer may, for that or for any other purpose under this Act, take evidence under oath.

Fees

- (4) There shall be paid for every licence issued under this Act such fees as may be prescribed by the Lieutenant-Governor in Council.

Regulations

5. The Lieutenant-Governor in Council may make regulations,

(a) respecting the evidence required upon the application for a licence under this Act as to the incorporation of the corporation, its powers and objects and its existence as a valid and subsisting corporation;

(b)

- (b) respecting the appointment and continuance by the corporation of a person as its representative in Ontario on whom service of process, notices or other proceedings may be made, and the powers to be conferred on such representative;
- (c) respecting the limitations and conditions that may be specified in licences;
- (d) respecting the form, duration and extent of licences, and the form of powers of attorney, applications, notices, statements, returns and other documents relating to applications and other proceedings under this Act;
- (e) prescribing the form of the notices mentioned in subsection 2 of section 2 and of the release and cessation mentioned in subsection 4 of section 2.

3. This Act comes into force on the 30th day of April, 1954. Commence-
ment

4. This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1953*. Short title

CHAPTER 69

An Act to amend The Mothers' Allowances Act, 1952

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Mothers' Allowances Act*, 1952, c. 62, s. 1, cl. g, repealed

2.—(1) Section 2 of *The Mothers' Allowances Act*, 1952, c. 62, s. 2, amended is amended by adding thereto the following subsections:

(1a) A like allowance may be paid to a woman who is resident as required under subsection 1 and has resident with her one or more foster children under eighteen years of age and is the grandmother, sister, aunt or other suitable person acting as foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance.

.

(2a) Where a foster mother qualifies for an allowance, an additional allowance may be paid in respect of the father of the child or children if he is permanently unemployed and is living with the child or children who are in the care of the foster mother, but any allowance paid under this subsection shall cease to be paid when any other allowance paid to the foster mother under this Act ceases to be paid.

(2) Subsection 6 of the said section 2 is repealed and the following substituted therefor:

(6) In cases presenting special circumstances and in which investigation shows the advisability of an allowance being granted in respect of one or more children dependent upon a mother or foster mother who is not strictly eligible for an allowance under this

section,

section, the Lieutenant-Governor in Council may direct the payment of an allowance to such mother or foster mother.

Amount of
allowances
in special
cases

- (7) The Director may, from time to time, vary the amount of any allowance directed to be paid under an Order in Council heretofore made and shall determine the amount of any allowance directed to be paid under an Order in Council hereafter made.

Provisions
of Act
respecting
payment of
allowances
applicable
in special
cases

- (8) The provisions of this Act and the regulations respecting the payment of an allowance shall apply in respect of an allowance directed to be paid under an Order in Council heretofore or hereafter made.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Mothers' Allowances Amendment Act, 1953*.

CHAPTER 70

An Act to amend The Municipal Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 243, s. 4,
re-enacted

4. A person in the actual occupation of land, When occupant deemed to be owner

(a) under an agreement with the owner for the purchase of it; or

(b) sold by the Director in accordance with *The Veterans' Land Act, 1942* (Canada), 1942, c. 33
(Can.)

shall be deemed to be the owner, and the unpaid purchase money or balance, as the case may be, shall be deemed to be an encumbrance on the land.

2. Section 53 of *The Municipal Act*, as amended by section 2 of *The Municipal Amendment Act, 1951*, is further amended by adding thereto the following subsection: Rev. Stat.,
c. 243, s. 53,
amended

(7a) Notwithstanding subsection 7, a by-law for the purpose mentioned in subsection 5 may be passed without the assent of the municipal electors if a by-law for the division of the municipality into wards has received the assent of the municipal electors. Where assent unnecessary

3. Subsection 1 of section 58 of *The Municipal Act* is amended by adding at the end of clause *d* the word "or" and by adding thereto the following clause: Rev. Stat.,
c. 243, s. 58,
subs. 1,
amended

(e) in lieu of the qualification required by clause *d*, renting a building owned by and vested in The Hydro-Electric Power Commission of Ontario in respect of which a payment is made under subsection 2 of section 45a of *The Power Commission Act* in any year, the assessed value of which, when added to

the

the assessed value of the land on which it is located, amounts to a sum which would entitle such person to be rated on the last revised assessment roll as tenant if the land and building were owned or held by any other person, or who is the wife or husband of such person.

Rev. Stat.,
c. 243, s. 164,
cl. f,
amended

4. Clause *f* of section 164 of *The Municipal Act* is amended by inserting after the figures "56" in the second line the words and figures "or subsection 5a of section 168", so that the clause shall read as follows:

(*f*) files his resignation with the clerk of the municipality as provided in subsection 2 of section 56 or subsection 5a of section 168 for the purpose of becoming a candidate for council in some other office,

.

Rev. Stat.,
c. 243, s. 168,
amended

5. Section 168 of *The Municipal Act* is amended by adding thereto the following subsection:

Resignation

(5a) Subject to sections 169 and 170, no person who is a member of the council and whose term of office has at least two months to run after the day on which the nomination meeting for the new election is to be held shall be eligible to be nominated for membership in the council in any other office unless he has before the time of the opening of the nomination meeting filed his resignation from the office which he then holds with the clerk of the municipality, and the clerk shall not place on the ballot paper the name of any such person as a candidate who fails to file such resignation within the time aforesaid.

Rev. Stat.,
c. 243, s. 238,
amended

6. Section 238 of *The Municipal Act* is amended by adding thereto the following subsection:

Petty cash
fund

(2a) The council of a municipality may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Rev. Stat.,
c. 243, s. 239,
re-enacted

7. Section 239 of *The Municipal Act* is repealed and the following substituted therefor:

Bank
accounts,
etc.

239. Subject to subsection 2a of section 238, the treasurer shall,

(a)

- (a) open an account or accounts in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved by the council;
- (b) deposit all money received by him on account of the municipality, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the municipality entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 238, the council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

8. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat.,
c. 243,
amended

262a. Notwithstanding anything in this or any general or special Act, Fiscal year
and audit

- (a) the fiscal year of every municipality and local board, as defined in *The Department of Municipal Affairs Act*, shall be the calendar year from the 1st day of January to the 31st day of December; Rev. Stat.,
c. 96
- (b) the accounts referred to in section 249 shall be those of the next preceding fiscal year.

9. Subsection 2 of section 310 of *The Municipal Act* is amended by striking out the word "assessor" where it occurs in the third and fourth lines respectively and inserting in lieu thereof in each case the word "clerk", so that the subsection shall read as follows: Rev. Stat.,
c. 243, s. 310,
subs. 2,
amended

- (2) Any person to whom subsection 1 applies may within 30 days after delivery of the notice of assessment in writing notify the clerk that he objects to the assessment provided for in subsection 1 and thereupon the clerk shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person. How special
rate may be
avoided

Rev. Stat.,
c. 243, s. 386,
par. 7, cl. a,
amended

10.—(1) Clause *a* of paragraph 7 of section 386 of *The Municipal Act* is amended by adding at the end thereof the words “or in any adjacent or adjoining territory without municipal organization situate in one or more territorial districts”, so that the clause shall read as follows:

- (a) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization situate in one or more territorial districts.

Rev. Stat.,
c. 243, s. 386,
pars. 20, 21,
re-enacted

(2) Paragraphs 20 and 21 of the said section 386 are repealed and the following substituted therefor:

Grants to
members of
armed forces

20. With the assent of the electors qualified to vote on money by-laws, for making grants to persons who served in the armed forces of Her Majesty or Her Majesty's allies during any war.

Aid to
widows, etc.

21. With the assent of the electors qualified to vote on money by-laws, for granting aid to any fund established for the purpose of providing allowances or other assistance to the dependants of persons who died while serving in the armed forces of Her Majesty or Her Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.

Rev. Stat.,
c. 243, s. 386,
par. 45,
amended

(3) Paragraph 45 of the said section 386 is amended by striking out the word “oil” in the third line and inserting in lieu thereof the words “petroleum or petroleum products”, so that the paragraph, exclusive of the clause, shall read as follows:

Laying of
pipes for
petroleum,
etc.

45. Notwithstanding any other Act, for laying, or maintaining, or for authorizing any person to lay, use or maintain pipes or conduits for transmitting gasoline, petroleum or petroleum products, anti-freeze, brine or other similar products along, under, in or upon highways or land owned by the municipality; and for making such annual or other charge for the privilege conferred as the council may deem reasonable; and for entering into agreements with persons for the use by them of such pipes or conduits on such terms and conditions as may be agreed upon.

Rev. Stat.,
c. 243, s. 386,
par. 48,
re-enacted

(4) Paragraph 48 of the said section 386 is repealed and the following substituted therefor:

48. Subject to the limitations and restrictions in this paragraph, for providing pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and an insurer as aforesaid.

Pensions

R.S.C.
1927, c. 7
Rev. Stat.,
c. 183

(a) In this paragraph,

Interpre-
tation

- (i) "employee" means any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board and includes any person designated as an employee by the Minister,
- (ii) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof,
- (iii) "pension" means an annuity commencing on the retirement date of an employee and payable in monthly instalments as long as he lives and includes a joint survivorship annuity similarly payable as long as he and another person live and continuing until the death of the survivor of them, and purchased by payments by a municipality or local board and deductions from the salary, wages or other remuneration of an employee together with interest on the sum of both such amounts.

- (b) No by-law passed under this paragraph shall become operative until approved by the Department nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Approval by
Department

(c)

Payments,

- (c) The municipality or local board may make payments,

past service

- (i) in respect of service of an employee with the municipality or local board prior to the commencement date of the pension plan, of an amount that will purchase an annuity not in excess of \$15 for each completed year of such service excluding any years of service prior to the date which is forty years before the normal retirement age of a male employee and thirty-five years before that of a female employee, and

future
service

- (ii) in respect of service of an employee with the municipality or local board after the commencement date of the pension plan but in no case shall such payments be greater than the payments made by the employee.

Payments
to be deemed
current ex-
penditures

- (d) Payments,

- (i) under subclause i of clause c may be on a deferred basis or provided by the issue of debentures and raised in a subsequent year or years, and shall be deemed to be current expenditures, and

- (ii) under subclause ii of clause c shall be deemed to be current expenditures.

Payments
to be de-
ducted from
salary, etc.

- (e) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of each employee to whom the by-law is applicable the amount which such employee is required to pay in accordance with the provisions of the plan which provides a pension for such employee.

Treasurer
to receive
contribu-
tions and
deductions

- (f) The local board shall pay to the treasurer of the municipality the payments mentioned in clause c and the amounts deducted in accordance with clause e.

Municipali-
ties may
agree to
provide
pensions

- (g) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the

parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

(h) Any local board may provide pensions for employees or any class thereof and the provisions of this paragraph shall apply *mutatis mutandis* thereto. Local boards may provide pensions

(i) Where an employee, on or after the 1st day of March, 1948, has become or becomes a member of, Transfer of pension money

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

the council shall by by-law authorize the transfer of and shall transfer a sum equal to the credit of the employee in its pension plan heretofore or hereafter established under this or any other general or special Act, including the payments and deductions in accordance with clauses *c* and *e* together with interest thereon, to any like fund or plan maintained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, where such fund or plan allows such transfers thereto.

(j) Where a member of, Idem

(i) the civil service of Ontario or Canada,

(ii) the civic service of any other municipality or local board, or

(iii) the staff of any board, commission or public institution established under any Act of the Legislature,

on or after the 1st day of March, 1948, has become or becomes an employee of the municipality or local board and a sum of money is transferred from any fund or plan main-

tained

tained to provide superannuation benefits or pensions for the members of such civil or civic service or staff, as the case may be, to the credit of the employee, the council shall by by-law authorize the transfer into and shall transfer into the pension plan heretofore or hereafter established under this or any other general or special Act and applicable to the employee such sum in the like manner as a payment for past service.

Cash with-
drawals

(*k*) No pension plan provided in accordance with this paragraph shall permit any cash withdrawal except where the moneys standing to the credit of an employee will produce an annuity of less than \$50 at normal retirement date, and the plan shall provide that in that case the employee shall be paid the sum equal to his contributions together with interest thereon upon leaving the service of the municipality or local board.

Leaving
service
before
retirement
age

(*l*) Subject to clause *k*, a pension plan shall provide that where an employee leaves the service of a municipality or local board before reaching normal retirement age he shall receive a paid-up policy providing for such annuity, commencing on retirement date and payable in monthly instalments, as the funds standing to his credit, together with interest thereon, will then purchase.

No assign-
ment

(*m*) Subject to clause *i*, no pension plan provided in accordance with this paragraph shall permit the assignment or transfer of any annuity or any instalments payable thereunder.

Vesting of
payments,
deductions
and interest

(*n*) Subject to clauses *k* and *l*, all payments of the municipality or local board and the employee together with interest on the sum of both shall vest in the employee when paid or earned.

Rev. Stat.,
c. 243, s. 386,
par. 49,
re-enacted

(5) Paragraph 49 of the said section 386 is repealed and the following substituted therefor:

Sick leave
credit
gratuities

49. For establishing a plan of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any

event not in excess of the amount he would have earned in six months at the rate received by him immediately prior to termination of employment.

(a) "Employee" means an employee as defined in Interpretation paragraph 48.

(b) Where an employee of a municipality or local board which has established a sick leave credit plan under this or any other general or special Act becomes an employee of another municipality or local board which has also established a sick leave credit plan under this or any other general or special Act, the latter municipality or local board shall place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned municipality or local board. Transfer of credits

11. Section 387 of *The Municipal Act* is amended by Rev. Stat., c. 243, s. 387, amended striking out the words "to the approval of the Department and" in the first line, so that the section, exclusive of the clauses, shall read as follows:

387. Subject to subsection 3 of section 267, by-laws may be passed, Grants for patriotic purposes

.

12. Subsection 1 of section 388 of *The Municipal Act* is Rev. Stat., c. 243, s. 388, subs. 1, amended amended by adding thereto the following paragraphs:

68a. For clearing away and removing snow and ice from the sidewalks on any highway or part of a highway or any class thereof in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot or any class thereof, at the expense of the owners and for collecting or recovering the expenses incurred in so doing in any manner including the manner provided by section 496. Removal of snow and ice from sidewalks

.

81a. For establishing, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof. Sewage works

81b. For constructing service drains from a sewer to the line of the highway and for charging the owner of the Drain connections premises

premises for which the service drain is constructed the cost of such construction, which may be collected or recovered in like manner as taxes.

.

Plumbing
inspection
fees

- 83a. For charging a fee for the inspection of plumbing, sewers, septic tanks, cesspools, water closets, earth closets, privies and privy vaults where, under this or any other Act, approval or a certificate of compliance or such inspection is required.

.

Transmission
poles, wires,
etc.
Rev. Stat.,
cc. 281, 320

- 101a. Notwithstanding the provisions of this or any other general or special Act but subject to *The Power Commission Act* and *The Public Utilities Act*, for authorizing and regulating,

- (i) the erection and maintenance upon, across or along any highway or public place of poles, towers, wires, cables, amplifiers and other accessory equipment, and the construction and laying down of pipes, ducts and conduits for enclosing wires, cables, amplifiers and other accessory equipment, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, and
- (ii) the placing and maintenance of such equipment upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes, ducts and conduits.

- (a) For the purposes of this paragraph, "body" means The Hydro-Electric Power Commission of Ontario in respect of its works and a local board, as defined in *The Department of Municipal Affairs Act*, in respect of its works.

Rev. Stat.,
c. 96

- (b) A by-law passed under this paragraph may be in respect of the whole of the municipality or a defined area or defined areas thereof, and any such area may be enlarged, reduced,

dissolved

dissolved or amalgamated at the discretion of the council and the provisions of section 21 shall not apply.

- (c) Nothing in this paragraph authorizes the granting of an exclusive franchise or the establishment of a monopoly.

.

- 119a. For prohibiting and regulating the discharge of any Control of sewage gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

13. Section 390 of *The Municipal Act* is amended by adding Rev. Stat., c. 243, s. 390, amended thereto the following subsection:

- (11a) Where a by-law passed under this section applies to Notice of application when lands in adjoining municipality affected land abutting on a boundary between the municipality which passed the by-law and another local municipality, the council which passed the by-law shall give,

- (a) to the clerk of the other municipality;
- (b) to the secretary of the planning board, if any, of the other municipality; and
- (c) to each owner of land in the other municipality abutting on the land to which the by-law applies,

notice of its intention to apply to the Municipal Board for approval of the by-law.

14. Section 405 of *The Municipal Act* is amended by Rev. Stat., c. 243, s. 405, amended adding thereto the following paragraph:

- 4a. For making grants to the Ontario Federation of Grants to Ontario Federation of Agriculture Agriculture if a by-law under section 310 is not in force in the township.

15. Section 406 of *The Municipal Act*, as amended by Rev. Stat., c. 243, s. 406, amended section 19 of *The Municipal Amendment Act, 1952*, is further amended by adding thereto the following paragraphs:

Insurance
for team-
sters, cab
owners,
etc.

- 3a. For requiring any or all persons mentioned in paragraphs 1, 2 and 3 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law, and where such insurance is not so provided the council or board may refuse, refuse to renew or revoke any licence issued under paragraph 1, 2 or 3.

Taxi-cab
brokers

5. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker, and where such insurance is not so provided the council or board may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who, for gain, accepts calls in any manner for taxi-cabs used for hire and which are owned by persons other than himself or his employer.

Rev. Stat.,
c. 243,
amended

16. *The Municipal Act* is amended by adding thereto the following section:

Expense
allowance

- 419a. Notwithstanding the provisions of this or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in *The Department of Municipal Affairs Act*, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount, but not exceeding \$2,000, shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board.

Rev. Stat.,
c. 243, s. 469,
subs. 3,
amended

17. Subsection 3 of section 469 of *The Municipal Act* is amended by adding at the end thereof the words "and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained", so that the subsection shall read as follows:

Approval of
Lieutenant-
Governor
to by-law

- (3) A by-law passed under clause *b* or clause *c* of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other water shall not take effect until it has been approved by the Lieutenant-Governor in Council,

and


and where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Lieutenant-Governor in Council until such approval or confirmation has been obtained.

18. Form 6 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 243,
Form 6,
re-enacted

FORM 6
(Section 95 (1))

BALLOT PAPER FOR TOWNSHIPS

	Election of Members of the Municipal Council of the Township of..... in the County of.....	FOR REEVE	ALLSOPP Albert Allsop, of the Township of York, Brewer.
			BURTON Henry Burton, of the Township of York, Farmer.
		FOR DEPUTY REEVE	BANKS John Banks, of the Township of York, Blacksmith.
			CALDWELL Henry Caldwell, of the Township of York, Market Gardener.
			CONNOR Patrick Connor, of the Township of York, Cattle Dealer.
			DAVIDSON Thomas Davidson, of the Township of York, Milkman.
		FOR COUNCILLORS	BRITTON James Britton, of the Township of York, Farmer.
			LLOYD David Lloyd, of the Township of York, Farmer.
			MACDONALD Philip Macdonald, of the Township of York, Agent.
			O'LEARY Dennis O'Leary, of the Township of York, Farmer.

Rev. Stat.,
c. 243,
Form 7,
amended

19. Form 7 of *The Municipal Act* is amended by striking out the words "the pencil provided in the compartment" in the first and second lines of the first paragraph and inserting in lieu thereof the words "a pen or pencil", so that the paragraph shall read as follows:

The voter will go into one of the compartments, and with a pen or pencil, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any place within the division which contains the name or names of such candidate or candidates.

Rev. Stat.,
c. 243,
Form 26,
amended

20. Form 26 of *The Municipal Act* is amended by striking out the words "the pencil provided in the compartment" in the first and second lines of the first paragraph and inserting in lieu thereof the words "a pen or pencil", so that the paragraph shall read as follows:

The voter will go into one of the compartments, and with a pen or pencil, place a cross, thus X, on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

Commence-
ment

21.—(1) This Act, except section 16, comes into force on the day it receives Royal Assent.

Idem

(2) Section 16 shall be deemed to have come into force on the 1st day of January, 1946.

Short title

22. This Act may be cited as *The Municipal Amendment Act, 1953*.

CHAPTER 71

The Municipal Subsidies Adjustment Act, 1953

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where a municipality is,

- (a) amalgamated with an urban municipality or municipalities; or
- (b) annexed in whole or in part or parts to an urban municipality or municipalities,

Adjustment
of grants on
amalgama-
tions and
annexations

the Minister of Highways shall adjust the provincial grants or subsidies payable under *The Highway Improvement Act* so that such grants or subsidies will be payable on the same basis for a period of five years after the amalgamation or annexation as they would have been if the amalgamation or annexation had not taken place, and shall further adjust such grants or subsidies on a progressively reduced basis during the next succeeding five years.

Rev. Stat.,
c. 166

2. Where a municipality is,

- (a) amalgamated with an urban municipality or municipalities; or
- (b) annexed in whole or in part or parts to an urban municipality or municipalities,

Adjustment
of grants on
amalgama-
tions and
annexations
up to end
of 1953

the Minister of the Department concerned shall adjust the provincial grants or subsidies payable under *The Police Act*, *The Fire Departments Act* or *The Highway Improvement Act* so that such grants will be payable on the same basis for a period of five years after the amalgamation or annexation as they would have been if the amalgamation or annexation had not taken place, and shall further adjust such grants or subsidies on a progressively reduced basis during the next succeeding five years.

Rev. Stat.,
cc. 279, 138,
166

Application
of section
1 or 2

3. Section 1 or 2, as the case may be, apply only where the area annexed in any year contains 10 per cent or more of the resident population of the municipality from which the area is detached, as certified by the clerk of such municipality.

1952, c. 65,
repealed

4. *The Municipal Subsidies Adjustment Act, 1952* is repealed.

Commence-
ment

5.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1954.

Idem

(3) Section 2 shall be deemed to have come into force on the 1st day of January, 1950, and shall remain in force until the 31st day of December, 1953.

Idem

(4) Section 3 shall be deemed to have come into force on the 1st day of January, 1950.

Short title

6. This Act may be cited as *The Municipal Subsidies Adjustment Act, 1953*.

CHAPTER 72

**An Act to provide for the Payment of
Unconditional Grants to Municipalities**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Department" means Department of Municipal Affairs;
- (b) "Minister" means Minister of Municipal Affairs;
- (c) "municipality" means metropolitan municipality, city, town, village or township, but does not include a municipality situated within a metropolitan municipality.

2.—(1) The Department shall in the year 1954, and there-
after if required for the purposes of this Act, determine the
population of each municipality in Ontario.

Population
to be
determined
by
Department

(2) In determining the population of a municipality, the
Department shall take the population of the municipality
according to the 1951 census published by the Dominion
Bureau of Statistics and shall adjust that population,

Method
of deter-
mination

- (a) by giving effect to any change in the boundaries of the municipality that occurred after the taking of the 1951 census and before the 31st day of December, 1951;
- (b) by deducting the total number of persons included in the 1951 census who, at the time of the taking of the 1951 census, were inmates of institutions, or resided in defence establishments or on Indian

reserves,

reserves, or were transient employees, vacation residents or other temporary residents; and

- (c) by making allowance for any errors in the 1951 census that are certified by the Dominion Bureau of Statistics.

New municipalities

(3) Where, a municipality is incorporated after the 31st day of December, 1951, its population shall be determined in such manner as the Department deems proper.

Redetermination of population

3.—(1) Where during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of the municipality.

Idem

(2) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has increased by 7 per cent of the population as last determined.

Idem

(3) Where, during any period of time after the 31st day of December, 1951, in the opinion of the Department the population of a municipality as determined under section 2 has decreased by an amount equal to 7 per cent of the population as so determined by reason of any change in the boundaries of the municipality, the Department shall redetermine the population of the municipality.

Idem

(4) The Department may from time to time thereafter redetermine the population of the municipality whenever in its opinion the population has decreased by 7 per cent of the population as last determined, by reason of any change in the boundaries of the municipality.

Idem

(5) Whenever in the opinion of the Department the population of a municipality has increased so that it will be entitled to an increase in the per capita payment to which it is entitled under section 6, the Department shall redetermine the population of the municipality.

Effective date

(6) Any redetermination under this section shall be effective for the grant payable in the following year and thereafter, except that in the case of a redetermination in 1954 with respect to an increase or decrease in population occurring before 1954, the redetermination shall be effective in the year 1954 and thereafter.

4. Whenever the Dominion Bureau of Statistics publishes ^{New census} a new census, the Department shall redetermine the population of each municipality in Ontario in accordance with that census and sections 2 and 3 shall apply *mutatis mutandis*.

5. In the event of a dispute between a municipality and ^{Disputes} the Department as to its population for the purposes of this Act, the council of the municipality may appeal to the Minister who shall thereupon determine or redetermine, as the case may be, the population in accordance with this Act, and the decision of the Minister shall be final.

6. In the year 1954 and in each year thereafter there shall ^{Per capita payments} be paid out of the Consolidated Revenue Fund to each municipality in Ontario a per capita payment or payments in accordance with the population of the municipality as last determined under this Act in the amounts set out in the Schedule to this Act.

7.—(1) The Department may require each municipality ^{Statement of provincial grants on tax bills} to state upon its tax bills in each year, in such manner, form and detail as the Department may require, the amount of the grants payable to it by the Province in that year.

(2) The Department may require any municipality situated ^{Idem} within a metropolitan municipality and any local municipality forming part of a county to state on its tax bills in each year, in such manner, form and detail as the Department may require, its share of the grants payable to the metropolitan municipality or county by the Province in that year.

8. *The Municipal Subsidy Act*, being chapter 273 of the ^{R.S.O. 1937,} Revised Statutes of Ontario, 1937, and *The Municipal Subsidy Amendment Act, 1939* ^{c. 273; 1939, c. 31, repealed} are repealed.

9. This Act comes into force on the 1st day of January, 1954. ^{Commence-ment}

10. This Act may be cited as *The Municipal Unconditional Grants Act, 1953*. ^{Short title}

SCHEDULE

(Section 6)

PART I

To assist each municipality in Ontario in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, by way of unconditional grant:

\$1.50 per capita

PART II

In recognition of the larger per capita expenditures that municipalities with larger populations are required to make in the provision of welfare services, social services, the administration of justice, and other services for its inhabitants, the following per capita payment to municipalities having a population of over 2,000, in addition to that set out in Part I, by way of unconditional grant:

- (a) \$0.10 per capita in the case of towns and villages having a population of over 2,000 and not exceeding 5,000;
- (b) \$0.10 per capita in the case of townships having a population of over 2,000 and not exceeding 5,000;
- (c) \$0.25 per capita in the case of towns and villages having a population of over 5,000 and not exceeding 7,000;
- (d) \$0.25 per capita in the case of townships having a population of over 5,000 and not exceeding 10,000;
- (e) \$0.35 per capita in the case of townships having a population of over 10,000 and not exceeding 15,000;
- (f) \$0.50 per capita in the case of towns and villages having a population of over 7,000 and not exceeding 10,000;
- (g) \$0.50 per capita in the case of townships having a population of over 15,000 and not exceeding 20,000;
- (h) \$0.75 per capita in the case of towns and villages having a population of over 10,000;
- (i) \$0.75 per capita in the case of townships having a population of over 20,000;
- (j) \$1.00 per capita in the case of cities having a population of 75,000 and under;
- (k) \$1.25 per capita in the case of cities having a population of over 75,000 and not exceeding 200,000;
- (l) \$1.50 per capita in the case of cities having a population of over 200,000 and not exceeding 400,000;
- (m) \$2.00 per capita in the case of cities having a population of over 400,000 and not exceeding 750,000;
- (n) \$2.50 per capita in the case of metropolitan municipalities and cities having a population of over 750,000.

CHAPTER 73

**An Act to provide for the Federation of the
Municipalities in the Toronto Metropolitan
Area for Certain Financial and
Other Purposes**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston or the Township of York;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means chairman of the Metropolitan Council;
- (d) "Department" means Department of Municipal Affairs;
- (e) "highway" and "road" mean a common and public highway, and include a street, bridge, and any other structure incidental thereto;
- (f) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

(g)

- (g) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Metropolitan Corporation or of an area municipality or of two or more area municipalities or portions thereof;
- (h) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (i) "Metropolitan Corporation" means The Municipality of Metropolitan Toronto;
- (j) "Metropolitan Council" means the council of the Metropolitan Corporation;
- (k) "metropolitan road" means a road forming part of the metropolitan road system established under Part V;
- (l) "Minister" means Minister of Municipal Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 192;
- (n) "Municipal Board" means Ontario Municipal Board;
- (o) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

INCORPORATION AND COUNCIL

Incorporation

2.—(1) On the 15th day of April, 1953, the inhabitants of the Metropolitan Area are hereby constituted a body corporate under the name of "The Municipality of Metropolitan Toronto".

(2) The Metropolitan Corporation shall be deemed to be a ^{Deemed municipality under Rev. Stat., c. 96, 262} municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act* and shall be a municipality in the County of York separated therefrom for municipal purposes.

3.—(1) The powers of the Metropolitan Corporation shall be exercised by the Metropolitan Council and, except where otherwise provided, the jurisdiction of the Metropolitan Council shall be confined to the Metropolitan Area. ^{Council to exercise corporate powers}

(2) Except where otherwise provided, the powers of the Metropolitan Council shall be exercised by by-law. ^{By-laws}

(3) A by-law passed by the Metropolitan Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. ^{Not to be quashed as unreasonable}

4.—(1) The Metropolitan Council shall be composed of the following persons: ^{Composition of Metropolitan Council}

(a) The head of the council of each area municipality.

(b) The two members of the board of control of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes.

(c) The alderman in each ward of the City of Toronto who at the municipal election next preceding the day the new Metropolitan Council is organized in any year received the highest number of votes in such ward.

(2) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which member or members of the board of control is or are entitled to be a member or members of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. ^{Acclamation or equality of votes}

(3) If after any election, by reason of acclamation or an equality of votes, it cannot be determined which alderman in any ward of the City of Toronto is entitled to be a member of the Metropolitan Council, the matter shall be determined by resolution of the council of the City of Toronto passed before the organization meeting of the Metropolitan Council. ^{Idem}

Chairman

(4) During the years 1953 and 1954 there shall be an additional member of the Metropolitan Council, who shall be the chairman thereof, and who shall be appointed by the Lieutenant-Governor in Council before the 15th day of April, 1953, to hold office during pleasure for the years 1953 and 1954 and until his successor as chairman is elected or appointed in accordance with this section.

Remuneration

(5) The chairman appointed under subsection 4 shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant-Governor in Council may determine.

Election of chairman

(6) At the first meeting of the Metropolitan Council in the year 1955, and in each year thereafter, at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section.

Clerk to preside

(7) The clerk of the Metropolitan Corporation shall preside at each such first meeting, or if there is no clerk, the members present shall select a member to preside and the person so selected may vote as a member.

Adjournment

(8) If at the first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

Composition

(9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1, the Metropolitan Council shall be composed of such chairman and the persons mentioned in subsection 1.

First meeting, 1953

5.—(1) The first meeting of the Metropolitan Council shall be held on or after the 15th day of April, 1953, at such date, time and place as the chairman may determine and the chairman shall give to each person entitled to be a member of the Metropolitan Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First meeting of area councils

(2) Notwithstanding anything in any general or special Act, the first meeting of the council of each area municipality, in the year 1954 and thereafter, shall be held not later than the 8th day of January.

First meeting of Metropolitan Council

(3) The first meeting of the Metropolitan Council in the year 1954 and thereafter shall be held after the councils of all

the area municipalities have held their first meetings in the year but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the Metropolitan Council.

(4) A person entitled to be a member of the Metropolitan Council under subsection 1 of section 4 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the area municipality for which he was elected and under the seal of the area municipality certifying that he is entitled to be a member under the said subsection. ^{Certificate of qualification}

(5) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 1 of section 4, he shall, before taking his seat, take an oath of allegiance (Form 1) and, in the years 1955 and thereafter, a declaration of qualification (Form 2). ^{Oath of allegiance}

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 19 of *The Municipal Act* have been made by all members who present themselves for that purpose, and each such declaration shall include a declaration that the member has not by himself or a partner, directly or indirectly, any interest in any contract with or on behalf of the Metropolitan Corporation or any local board thereof. ^{Declaration of office Rev. Stat., c. 243}

(7) The Metropolitan Council shall be deemed to be organized when the declarations of office have been made by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. ^{When Council deemed organized}

6. Subject to section 5, all meetings of the Metropolitan Council shall be held at such place within the Metropolitan Area and at such times as the Metropolitan Council from time to time appoints. ^{Place of meetings}

7.—(1) Nine members of the Metropolitan Council shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsections 3 and 4, each member of the Metropolitan Council shall have one vote only. ^{One vote}

(3) When in any year the chairman has not been elected from among the members of the Metropolitan Council, the ^{Chairman's vote}

chairman

chairman shall not have a vote except in the event of an equality of votes.

Idem

(4) When in any year the chairman has been elected from among the members of the Metropolitan Council, the chairman shall have a second or casting vote in the event of an equality of votes.

Term of office

8. The members of the Metropolitan Council mentioned in subsection 1 of section 4 shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new council is organized.

Vacancies, chairman

9.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 4, the Metropolitan Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who may be one of the members of the Metropolitan Council or any other person, to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality, of which he was a member, shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Resignation of chairman

(4) Where the chairman is a member of the council of an area municipality, he may resign his office as chairman without resigning from such council.

Vacancy due to absence from meetings

(5) The seat of a member of the Metropolitan Council shall become vacant if he absents himself continuously from the meetings of the Metropolitan Council during a period of one month without being authorized so to do by a resolution of the Metropolitan Council entered upon its minutes, and the Metropolitan Council shall forthwith declare the seat to be vacant.

Remuneration, chairman

10.—(1) In the years 1955 and thereafter, the chairman may be paid such annual or other remuneration, not exceeding \$15,000 per annum, as the Metropolitan Council may determine.

members

(2) The members of the Metropolitan Council, other than the chairman, may be paid such annual or other remuneration,

not

not exceeding \$1,800 per annum, as the Metropolitan Council may determine.

11.—(1) The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties, as it deems expedient. Committees of Council

(2) The Metropolitan Council may by by-law provide for paying an annual allowance not exceeding \$100 to each chairman of a standing committee, except where such chairman is the chairman of the Metropolitan Council. Remuneration of chairmen of committees

12. The Metropolitan Council may pass by-laws for governing the proceedings of the Metropolitan Council and any of its committees, the conduct of its members and the calling of meetings. Procedure by-laws

13. The chairman shall be the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation. Who to be head of Council

14. When the chairman is absent from the Metropolitan Area or absent through illness, or refuses to act, or when the office of chairman is vacant, the Metropolitan Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence, refusal to act or vacancy. Acting chairman

15. Sections 210, 212, 213, 215, 217, 218, 219, 261, 262, 269 and 291 to 296 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation. Application of Rev. Stat., c. 243

16.—(1) The Metropolitan Council shall appoint a clerk, whose duty it shall be, Appointment of clerk, and his duties

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Metropolitan Council;
- (b) to record the name and vote of every member voting on any matter or question;
- (c) to preserve and file all accounts acted upon by the Metropolitan Council;
- (d) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Metropolitan Council and its committees;
- (e) to perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy
clerk

(2) The Metropolitan Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

First clerk

(4) The chairman appointed under subsection 4 of section 4 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the Metropolitan Council in the year 1953 and thereafter until the Metropolitan Council appoints a clerk or an acting clerk under this section.

Minutes,
etc., to be
open to
inspection
and copies
to be
furnished

17.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in section 16 and the minutes and proceedings of any committee of the Metropolitan Council, whether the acts of the committee have been adopted or not, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the Metropolitan Corporation, to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix.

Copies
certified
by clerk
to be
receivable
in evidence

(2) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Metropolitan Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Treasurer

18.—(1) The Metropolitan Council shall appoint a treasurer who shall keep the books, records and accounts of the Metropolitan Corporation and who shall perform such other duties as may be assigned to him by the Metropolitan Council.

Deputy
treasurer

(2) The Metropolitan Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Metropolitan Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

19.—(1) The treasurer shall receive and safely keep all money of the Metropolitan Corporation, and shall pay out the same to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Metropolitan Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Metropolitan Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

To receive
and take
care of and
disburse
money, etc.

(2) Notwithstanding subsection 1, the Metropolitan Council may by by-law provide that the signature of the treasurer on cheques may be stamped, lithographed or engraved, or may by by-law designate one or more persons to sign cheques in lieu of the treasurer.

Alternative
methods of
signing
cheques

(3) Except where otherwise expressly provided by this Act, a member of the Metropolitan Council shall not receive any money from the treasurer for any work or service performed or to be performed.

When
member
of Council
may be paid
for work

(4) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the Metropolitan Council, unless another disposition of it is expressly provided for by statute.

Treasurer's
liability
limited

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

Bank
accounts

(6) The treasurer shall prepare and submit to the Metropolitan Council, monthly, a statement of the money at the credit of the Metropolitan Corporation.

Monthly
statement
of assets

(7) Where the treasurer is removed from office or absconds, the Metropolitan Council shall forthwith give notice to his sureties.

Notice
to sureties

20.—(1) The Metropolitan Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Corporation and of every local board of the Metropolitan Corporation.

Appointment
of auditors

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Metropolitan Corporation and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Disqualifi-
cation of
persons as
auditors

(3) No person shall be appointed as an auditor of the Metropolitan Corporation who is or during the preceding year was a member of the Metropolitan Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Metropolitan Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditor

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Metropolitan Council or any local board of the Metropolitan Corporation that do not conflict with the duties prescribed by the Department.

Auditors
may
administer
oaths

(5) An auditor may administer an oath to any person concerning any account or other matter to be audited.

Audit of
accounts
before
payment

(6) The Metropolitan Council may provide that all accounts shall be audited before payment.

Employees

21.—(1) The Metropolitan Council may pass by-laws for appointing such officers and employees as it may deem necessary for the purposes of the Metropolitan Corporation, or for carrying into effect the provisions of any Act of the Legislature or by-law of the Metropolitan Council, and for fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Tenure
of office
and duties

(2) Except as otherwise provided in this Act, all officers and employees appointed by the Metropolitan Council shall hold office during the pleasure of the Metropolitan Council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act or by by-law of the Metropolitan Council.

Application
of
Rev. Stat.,
c. 243

22.—(1) Sections 235, 251 and 253, subsections 4 and 5 of section 255 and paragraphs 48 and 49 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

Pension
and sick
leave plans

(2) The Metropolitan Corporation shall pass by-laws under paragraphs 48 and 49 of section 386 of *The Municipal Act* before the 1st day of January, 1954.

(3) Where the Metropolitan Corporation employs a person ^{Pensions} theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any pension plan of such area municipality or local board, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the area municipality or local board, until the Metropolitan Corporation has provided a pension plan for its employees and such employee has elected, in writing, to participate therein.

(4) Until such election the Metropolitan Corporation shall ^{Idem} deduct by instalments from the remuneration of the employee the amount which such employee is required to pay in accordance with the provisions of the plan of the area municipality or local board and the Metropolitan Corporation shall pay to the area municipality or local board in instalments,

- (a) the amounts so deducted;
- (b) the future service contributions payable under the plan by the area municipality or local board.

(5) Where the Metropolitan Corporation employs a person ^{Sick leave credits} theretofore employed by an area municipality or a local board thereof, the employee shall be deemed to remain an employee of the area municipality or local board for the purposes of any sick leave credit plan of the area municipality or local board until the Metropolitan Corporation has established a sick leave credit plan for its employees, whereupon the Metropolitan Corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board.

(6) Where the Metropolitan Corporation employs a person ^{Holidays} theretofore employed by an area municipality or a local board thereof, the Metropolitan Corporation shall, during the first year of his employment by the Metropolitan Corporation, provide for such employee holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board.

(7) The Metropolitan Council shall offer to employ every ^{Existing local staff} person who, on the 1st day of April, 1953,

- (a) is employed as an assessment commissioner or assessor, or is otherwise employed in the assessment department of an area municipality; or
- (b) is employed in any undertaking of an area municipality or local board which is assumed by the Metropolitan Corporation under this Act.

Commence-
ment

23. This Part comes into force on the day this Act receives Royal Assent.

PART II

ASSESSMENT

Appointment
of assessors

24.—(1) The Metropolitan Council shall appoint as many assessors as may be deemed necessary to carry out the duties of assessors in all the area municipalities.

Appointment
need not
be annual

(2) Every by-law appointing an assessor shall remain in force until repealed and it shall not be necessary to appoint the assessor annually.

Assessment
commis-
sioner, etc.

25.—(1) The Metropolitan Council shall appoint an assessment commissioner and may appoint as many deputy assessment commissioners as may be deemed necessary.

Idem

(2) The assessment commissioner shall, with respect to the deputy assessment commissioners and assessors, have control and charge over the exercise by them of their powers and over the performance by them of their duties in all the area municipalities.

Jurisdiction

(3) The assessment commissioner may assign to a deputy assessment commissioner or an assessor the area municipality or area municipalities, or part or parts thereof, within which he is to act.

Assessment
officials
deemed
officials of
each area
municipality

26.—(1) The assessment commissioner and every deputy assessment commissioner and every assessor appointed by the Metropolitan Council shall be deemed for the purposes of this and every other Act to be respectively the assessment commissioner, a deputy assessment commissioner and an assessor of each area municipality.

No local
assessors

(2) No area municipality shall, after the 31st day of December, 1953, appoint or continue to employ an assessment commissioner or assessors or constitute or continue a board of assessors.

Office sup-
plies, etc.

27. Subject to section 28, the Metropolitan Corporation shall provide and pay for all office accommodation, supplies, stationery and equipment, and shall employ such staff, as may be necessary for the performance of the duties of assessors in the Metropolitan Area.

Idem

28. At the request of the Metropolitan Council, each area municipality,

- (a) shall provide, at such rent as may be agreed upon, at least as much office accommodation for the assessment commissioner, deputy assessment commissioners, assessors and staff as was being provided by the municipality for its assessment department on the 1st day of March, 1953;
- (b) shall transfer to the assessment commissioner without compensation all office supplies and stationery in the possession of the municipality on the 31st day of December, 1953, that was provided for the exclusive use of the assessment department of the municipality;
- (c) shall transfer to the assessment commissioner without compensation all mechanical and other equipment used exclusively by the assessment department of the municipality on the 1st day of March, 1953;
- (d) shall make available to the assessment commissioner, at such rent as may be agreed upon, all mechanical and other equipment the use of which was shared by the assessment department and any other department or departments of the municipality on the 1st day of March, 1953, on the same terms and to the same extent as the assessment department used the equipment before the 1st day of March, 1953.

29. Every assessment commissioner, every assessor and every other officer or servant of an area municipality shall, at the request of the assessment commissioner of the Metropolitan Corporation, turn over to such assessment commissioner all books, records and documents relating to the work of the assessment department of the municipality. Books, etc.

30. Section 123 of *The Assessment Act* shall not apply in any area municipality after the 31st day of December, 1953. Rev. Stat.,
c. 24, s. 123,
not to apply

31.—(1) The Metropolitan Council shall constitute by by-law one or more courts of revision for each area municipality. Courts of
revision

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the Metropolitan Council. Members

(3) A member of a court of revision constituted under subsection 1 for one area municipality may also be appointed a member of a court of revision constituted for one or more other area municipalities. Idem

Disqualifi-
cation as
members

(4) No person who is or during the preceding year was,

- (a) a member of the council of an area municipality or of the Metropolitan Council; or
- (b) an officer or employee (other than a member of a court of revision) of an area municipality or of the Metropolitan Corporation,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

(5) Where a court of revision consists of three members, two shall form a quorum.

Compensa-
tion

(6) Each member of a court of revision shall be paid such sum for his services as the Metropolitan Council may by by-law provide.

Courts
deemed
constituted
under
Rev. Stat.,
c. 24

(7) A court or courts of revision constituted for an area municipality under this section shall be deemed for the purposes of this and every other Act to be a court or courts of revision for the area municipality constituted in accordance with *The Assessment Act* and no area municipality shall constitute or continue a court or courts of revision under *The Assessment Act* or any special Act after the 31st day of December, 1953.

1953
assessment
roll

1951, c. 31

(8) Notwithstanding subsection 7, the court or courts of revision of an area municipality, constituted under *The Greater Toronto Assessment Board Act, 1951*, and in office on the 31st day of December, 1953, shall, if the assessment roll of the area municipality prepared in 1953 has not been certified at that time, continue in office for the purpose only of concluding its work in connection with the revision and certification of that assessment roll.

Appeals in
other area
muni-
cipalities

Rev. Stat.,
c. 24

(9) All rights of appeal conferred by *The Assessment Act* upon a person assessed in an area municipality may be exercised by such area municipality, or by a person designated by resolution of the council of such area municipality, with respect to an assessment in any other area municipality and with respect to the decision of a court of revision, county judge or the Municipal Board on any appeal with respect to such assessment and, notwithstanding anything in *The Assessment Act*, notice of appeal to the court of revision may be given by such area municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Application
of Rev. Stat.
c. 24, s. 53

32. Section 53 of *The Assessment Act* shall apply in each area municipality but for the purposes of that section the

Metropolitan

Metropolitan Council shall be deemed to be the council of each area municipality.

33. The provisions of clause *j* of subsection 1 of section 16 of *The Assessment Act* shall not apply to the townships of East York, Etobicoke, North York, Scarborough and York. Land of non-residents in townships

34. Except as otherwise provided in this Act, all the provisions of *The Assessment Act* shall apply in each area municipality. Application of Rev. Stat. c. 24, generally

35. This Part comes into force on the 1st day of January, 1954. Commencement

PART III

METROPOLITAN WATERWORKS SYSTEM

36. For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof, respecting the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

37.—(1) The Metropolitan Council shall before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as part of the metropolitan waterworks system all works for the production, treatment and storage of water vested in each area municipality or any local board thereof and all trunk distribution mains connected therewith, and on the day any such by-law becomes effective the works and mains designated therein shall vest in the Metropolitan Corporation. Assumption of works and mains

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. Idem

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. Interpretation

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein. Extension of time

(5)

Metropoli-
tan liability

(5) Where the Metropolitan Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or main, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,
g. 215

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing
agreements

38.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable for the supply of water in accordance with the agreement and shall be bound by all the terms thereof and the area municipality or local board shall be relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Metropolitan Council or the council of the municipality to which the water is supplied, shall have jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of
area municipi-
ties
restricted

39.—(1) Where all the works of an area municipality or any local board thereof for the production, treatment and storage of water are assumed by the Metropolitan Corpora-

tion,

tion, the area municipality or local board shall not thereafter establish, maintain or operate any such works.

(2) An area municipality that did not operate any such ^{Idem} works on the 31st day of December, 1953, shall not, after that date, establish, maintain or operate any such works.

(3) Nothing in this section shall limit the powers of an ^{Proviso} area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Metropolitan Corporation.

40.—(1) No municipality or local board which is supplied ^{Supply beyond limits of local municipality} with water by the Metropolitan Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Metropolitan Council.

(2) Nothing in subsection 1 shall prohibit an area ^{Proviso} municipality or local board from supplying water to another municipality where the area municipality or local board has agreed to supply such water before the 1st day of April, 1953, and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Metropolitan Corporation.

41. The Metropolitan Council may pass by-laws for ^{Regulation of supply, etc.} regulating the time, manner, extent and nature of the supply of water from its waterworks system, and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Metropolitan Corporation with regard to the water so supplied.

42. The Metropolitan Council may pass by-laws for the ^{Main-tenance, management, etc.} maintenance and management of its waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality or local board.

43.—(1) The Metropolitan Council may pass by-laws ^{Rates} fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Metropolitan Council may use ^{Idem} its discretion as to the rate or rates to be charged to any area

municipality,

municipality, and may charge different rates to the various area municipalities.

Self-sustaining

(3) The Metropolitan Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Metropolitan Council may think proper.

Rev. Stat.,
c. 262, s. 56,
subs. 1, cl. j,
not
applicable

(4) Clause *j* of subsection 1 of section 56 of *The Ontario Municipal Board Act* shall not apply with respect to water supplied by the Metropolitan Corporation to an area municipality.

Retail sale
prohibited

44.—(1) The Metropolitan Corporation shall have power to and shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other
municipalities

(2) The Metropolitan Corporation may enter into a contract for the supply of water to any local municipality outside the Metropolitan Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and
accounts

45. The Metropolitan Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities of its waterworks system in such manner as may be prescribed by the Department.

Application
of revenues
Rev. Stat.,
c. 320

46.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues of the waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Metropolitan Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Metropolitan Corporation.

(2) It shall not be necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or assumed by the Metropolitan Corporation for the purposes of the waterworks system except to the extent that the revenues of the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures. Where levy unnecessary

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. Reserve fund
Rev. Stat.,
c. 400

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the waterworks system. Application
of reserve
fund

47.—(1) Subject to section 54, the Metropolitan Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the waterworks system which, in the opinion of the Metropolitan Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board. Disposal of
property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues of the waterworks system. Proceeds

48.—(1) The Metropolitan Corporation shall not be liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Metropolitan Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. Temporary
shut-offs

(2) Where the supply of water by the Metropolitan Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract, or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. No breach
of contract

Standards
for local
systems

49.—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local exten-
sions and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect or continue the connection of the same or any part thereof to any work or main of the Metropolitan Corporation without the approval of the Metropolitan Council.

Appeal

50. If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct any extension of the metropolitan distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the metropolitan system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Payment
of charges

51.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part shall be a debt of the area municipality to the Metropolitan Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by by-law of the Metropolitan Council.

Discounts
and
penalties

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

52. The Metropolitan Corporation shall, in respect of all works and trunk distribution mains assumed as part of the metropolitan waterworks system, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

53. Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works for the production and distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

54. Where a distribution main has been assumed by the Metropolitan Corporation under section 37 and, in the opinion of the Metropolitan Council, is no longer required for the purposes of the metropolitan waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Metropolitan Council shall by by-law remove the main from the metropolitan waterworks system and transfer it to the area municipality.

55. The works and mains assumed by the Metropolitan Corporation under the authority of section 37, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 44, to any local municipality outside the Metropolitan Area.

56. Sections 2, 3, 4, 5, 13, 28, 31, 32, 33, 52, 53, 54, 56 and 57 of *The Public Utilities Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

57.—(1) This Part, except sections 37 and 53, comes into force on the 1st day of January, 1954.

(2) Sections 37 and 53 come into force on the day this Act receives Royal Assent.

Passing of
by-laws
before
Jan. 1, 1954

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-law shall be effective until that date.

PART IV

METROPOLITAN SEWAGE WORKS

Interpre-
tation

58.—(1) In this Part,

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like works;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Metropolitan Council.

59. For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Metropolitan Corporation shall have all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof. General powers

60. The Metropolitan Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. Construction, etc., of trunk, sewage works

61.—(1) The Metropolitan Council shall, before the 1st day of December, 1953, pass by-laws which shall be effective on the 1st day of January, 1954, assuming as metropolitan sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein shall vest in the Metropolitan Corporation. Assumption of treatment works

(2) The Metropolitan Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law shall become effective before the 1st day of January, 1954. Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed. Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1953, and in that case the by-law shall become effective on the date provided therein. Extension of time

(5) Where the Metropolitan Corporation assumes a work or watercourse vested in an area municipality or local board, Metropolitan liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such work or watercourse, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Rev. Stat., c. 215

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Existing agreements

62.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board shall be relieved of all liability thereunder.

Idem

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Metropolitan Corporation, the Metropolitan Corporation shall become liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board shall be relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Metropolitan Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers of area municipalities restricted

63.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Metropolitan Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Metropolitan Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1953, without the approval of the Metropolitan Council.

Regulation of system, etc.

64. The Metropolitan Council may pass by-laws for the maintenance and management of its sewers, sewer system,

sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith which it may be necessary and proper to regulate in order to secure to the inhabitants of the Metropolitan Area an adequate system of sewage and land drainage disposal.

65.—(1) Where in the opinion of the Metropolitan Council an area municipality or a portion thereof will or may derive a special benefit from the construction and operation of a work or watercourse, the Metropolitan Council may, with the approval of the Municipal Board, in authorizing the construction, extension or improvement of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Metropolitan Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law shall be binding on the area municipality.

(2) Where debentures are issued for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Metropolitan Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Metropolitan Corporation for the purposes of the area municipality.

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality.

66.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a metropolitan work or watercourse without the approval of the Metropolitan Council.

(2) The Metropolitan Corporation may enter into a contract with any local municipality outside the Metropolitan Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Metropolitan Corporation shall have power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the metropolitan work or watercourse.

Standards
for local
systems

67.—(1) The Metropolitan Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a metropolitan work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse which discharges into a metropolitan work or watercourse without the approval of the Metropolitan Council.

Appeal

68. If the council of an area municipality considers itself aggrieved by the refusal of the Metropolitan Corporation or the Metropolitan Council,

- (a) to assume as a metropolitan work any local work;
- (b) to construct, extend or improve any metropolitan work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any metropolitan work,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board shall be final.

Special
sewage
service rates

69.—(1) The Metropolitan Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any metropolitan work or works.

(2) All such charges shall constitute a debt of the area ^{Idem} municipality to the Metropolitan Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Metropolitan Council.

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 389 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. <sup>Raising of money by area municipality
Rev. Stat., c. 243</sup>

70. The Metropolitan Corporation shall, in respect of all works assumed, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Metropolitan Corporation and the Metropolitan Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. ^{Transfer of rights over works assumed}

71. Any person authorized by the Metropolitan Council shall have free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. ^{Inspection of local works}

72. Any works assumed by the Metropolitan Corporation under the authority of section 61, together with any extensions or additions thereto constructed by the Metropolitan Corporation, may be used by the Metropolitan Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 66, from any local municipality outside the Metropolitan Area. ^{Use of metropolitan works}

73.—(1) This Part, except sections 58, 61, 63 and 71, comes into force on the 1st day of January, 1954. ^{Commencement}

(2) Sections 58, 61, 63 and 71 come into force on the day this Act receives Royal Assent. ^{Idem}

(3) Notwithstanding anything in this section, any authority to pass by-laws under this Part may be exercised before the 1st day of January, 1954, but no such by-laws shall be effective until that date. ^{Passing of by-laws before Jan. 1, 1954}

PART V

METROPOLITAN ROAD SYSTEM

Interpre-
tation**74.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "Department" means Department of Highways;
- (c) "Minister" means Minister of Highways.

Existing
county
roads in
AreaRev. Stat.,
c. 166

75. Unless assumed as a metropolitan road by the by-law mentioned in section 76, all roads within the Metropolitan Area and on the boundary between the Metropolitan Area and an adjoining county which, on the 31st day of December, 1953, form part of the county road system of the County of York established under *The Highway Improvement Act* shall, on the 1st day of January, 1954, revert or be transferred to the corporations of the local municipalities in which they are situate.

Establish-
ment of
metropolitan
road system

76.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council shall by by-law establish a metropolitan road system in the Metropolitan Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Metropolitan Area and an adjoining county as may be agreed upon between the Metropolitan Council and the council of such county, and the by-law shall designate the roads to be assumed as metropolitan roads and intended to form the metropolitan road system.

Time for
passing:
effective
date

(2) The by-law shall be passed not later than the 31st day of October, 1953, and shall come into force on the 1st day of January, 1954.

Submission
of by-law
for approval

(3) The Metropolitan Corporation shall submit the by-law to the Minister for approval by the Lieutenant-Governor in Council on or before the 31st day of October, 1953, and upon receipt of the application for such approval the Minister may obtain such report thereon as he may deem necessary and may hear the council of any area municipality which may be dissatisfied therewith before presenting the application for consideration to the Lieutenant-Governor in Council.

Approval
or
amendment

(4) The Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved,

but

but it shall not be necessary for the Metropolitan Council to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may amend the by-law from time to time by adding roads to or removing roads from the metropolitan road system or in any other manner. ^{Amendment of by-law}

(6) Where a road is removed from the metropolitan road system pursuant to subsection 5, the road shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. ^{Roads removed from system}

(7) Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Corporation may from time to time pass a by-law consolidating its by-law establishing the metropolitan road system and all by-laws amending such by-law. ^{Consolidating by-law}

77.—(1) The Metropolitan Corporation shall submit a by-law covering the estimated expenditure on metropolitan roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made. ^{Submission of by-law covering estimated expenditure}

(2) No subsidy shall be granted by the Department for work undertaken by the Metropolitan Corporation which has not been provided for by a by-law duly approved by the Minister. ^{Subsidy}

78.—(1) The Metropolitan Council shall annually and may with the consent of the Minister at any time during the progress of its work in connection with the metropolitan road system submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the engineer or other officer of the Metropolitan Corporation who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the Metropolitan Corporation that the statement of receipts and expenditures is correct; and

(d)

- (d) a petition for the payment of the grant, authorized by resolution of the Metropolitan Council.

Payment
to
Corporation

(2) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the Metropolitan Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Certain ex-
penditures
not included
in statement

79. No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 78 except with the consent of the Minister.

Expenditures
eligible for
subsidy

80. Expenditures which shall be deemed to be properly chargeable to road improvement shall include those made for the purpose of,

- (a) opening a new metropolitan road and acquiring the necessary land therefor;
- (b) clearing a metropolitan road of obstructions;
- (c) widening, altering or diverting a metropolitan road;
- (d) subject to section 3 of *The Public Service Works on Highways Act*, defraying 50 per cent of the cost of labour only in taking up, removing or changing the location of appliances or works placed on or under a metropolitan road by an operating corporation;
- (e) constructing and maintaining bridges, culverts or other structures incidental to the construction of a metropolitan road excepting sanitary or storm sewers or drains;
- (f) grading a metropolitan road;
- (g) constructing and maintaining an approved base for the road surface on a metropolitan road including the installing and maintaining of approved under-drainage therefor other than sanitary or storm sewers or drains;
- (h) constructing and maintaining any approved type of road surface on a metropolitan road;

Rev. Stat.,
c. 318

- (i) constructing and maintaining necessary curbs, gutters and catch basins on a metropolitan road;
- (j) clearing snow from and applying chemicals or abrasives to icy surfaces on a metropolitan road; and
- (k) such other work of road improvement as the Minister may approve.

81. Every road constructed or repaired as part of the metropolitan road system shall be so constructed and repaired in accordance with the requirements of the Minister. In accordance with requirements of Minister

82. The Metropolitan Corporation shall, in respect of the roads or streets included in the metropolitan road system, have all the rights, powers, benefits and advantages conferred, and be subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they were assumed by the Metropolitan Corporation, and the Metropolitan Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as metropolitan roads. Powers over roads assumed

83.—(1) The Metropolitan Corporation shall not by reason of assuming a road under this Act be liable for the building, maintenance or repair of sidewalks on any metropolitan road or portion thereof. Sidewalks excepted

(2) The council of an area municipality may construct or put down a sidewalk or other improvement or service on a metropolitan road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the Metropolitan Council expressed by resolution. Area municipalities may construct sidewalks, etc.

(3) The cost of any sidewalk constructed on a metropolitan road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. How cost provided
Rev. Stat. c. 215

(4) An area municipality when constructing a sidewalk or other improvements or service on a metropolitan road under this section shall conform to any requirements or conditions imposed by the Metropolitan Council and shall be responsible for any injury or damage arising from the construction or presence of the sidewalk, improvements or service on the road. Area municipality to conform to requirements and be responsible for damages

Rev. Stat.,
c. 166, s. 100,
subs. 4, not
to apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* shall not apply to a sidewalk constructed on a metropolitan road by the council of a township.

Intersection
of other
roads by
metropoli-
tan road

84. Where a metropolitan road intersects a road or street which is not a metropolitan road, the continuation of the metropolitan road to its full width across the road or street intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the metropolitan road system except in the case of an intersection by a metropolitan road of the King's Highway, and in that case the full width of the intersection shall be deemed to be part of the King's Highway.

New roads

85. Subject to the approval of the Lieutenant-Governor in Council, the Metropolitan Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 76 by assuming such new roads as part of the metropolitan road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities shall apply *mutatis mutandis*.

Rev. Stat.,
c. 243

Powers and
liabilities
of
Corporation

Rev. Stat.,
cc. 243,
167

86. For the purposes of the metropolitan roads, the Metropolitan Corporation shall have all the powers conferred, and be subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Planting
trees

87. The Metropolitan Council may plant trees on a metropolitan road and the cost of the work shall be deemed to be part of the cost of repairing and maintaining the road.

Procedure
on expro-
priation
of land

Rev. Stat.,
cc. 243, 323

88.—(1) Where, in the exercise of its powers or in the performance of its obligations under this Act, the Metropolitan Corporation finds that it is necessary to expropriate land for the purpose of establishing, laying out, opening up, widening, improving, protecting from erosion, altering or diverting a metropolitan road, the Metropolitan Corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works as set out in *The Public Works Act* may be exercised and performed in the name of the Metropolitan Corporation.

Plan and
description,
filing of

(2) The plan and description of the lands taken, required by section 17 of *The Public Works Act* to be deposited in

the registry office, shall be signed by the chairman and clerk of the Metropolitan Corporation and by an Ontario land surveyor, and upon the deposit of the plan and description the land shall become and be vested in the Metropolitan Corporation.

89.—(1) Sections 462 and 464 of *The Municipal Act* shall not apply to a bridge or highway crossing or forming a boundary between the Metropolitan Area and an adjoining county where such bridge or highway is included in the metropolitan road system and in the county road system of the county. Disputes as to maintenance, etc., of bridges and highways
Rev. Stat., c. 243

(2) Whenever there is a difference between the Metropolitan Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the building, maintaining or keeping in repair of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Metropolitan Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Metropolitan Corporation or the corporation of the county. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem just and proper, and may by the order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway. Hearing by Municipal Board

(4) An order made by the Municipal Board under this section shall be and remain binding upon the municipalities for such period as the Municipal Board may determine, and shall be final and conclusive and not subject to any appeal. Term of order

90. Clause *b* of subsection 1 of section 430 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities and the councils of the area municipalities on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system. Boundary bridges

Idem
Rev. Stat.,
c. 243

91. Section 445 of *The Municipal Act* shall not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Metropolitan Area and an adjoining county and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line shall have joint jurisdiction over every such bridge which is not included in the metropolitan road system.

Restrictions

92.—(1) The Metropolitan Council shall have, with respect to land abutting on a metropolitan road for a distance of 150 feet from any limit of the road, all the powers conferred on the council of a local municipality by section 390 of *The Municipal Act*.

Conflict
with local
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Metropolitan Council and a by-law passed under section 390 of *The Municipal Act* by the council of the area municipality in which the land is situate, the by-law passed by the Metropolitan Council shall prevail to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality shall remain in full force and effect.

Controlled-
access roads

93.—(1) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law designate any new metropolitan road established under section 85, or any portion thereof, as a metropolitan controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Metropolitan Corporation may by by-law close any municipal road which intersects or runs into a metropolitan controlled-access road.

Notice of
application
for approval
of closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of claims in respect of land injuriously affected by the closing of the road shall be filed with the Municipal Board and the Metropolitan Corporation within such time as the Municipal Board shall direct.

Claim,
when not
to be
allowed

(4) No claim by or on behalf of any person who has not filed the particulars of claim within the time directed by the Municipal Board shall be allowed except by leave of the Municipal Board.

Order of
Municipal
Board

(5) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such

order

order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road which shall be closed;
- (b) providing that the approval shall be subject to the making of compensation to persons whose land is injuriously affected by the closing of the road,
 - (i) by the payment by the Metropolitan Corporation to any of such persons of such damages as may be fixed by the Municipal Board,
 - (ii) by the providing of another road for the use of any of such persons,
 - (iii) by the vesting of any portion of the road allowance so closed in any of such persons notwithstanding any other Act, and
 - (iv) in such other manner as the Municipal Board may deem proper;
- (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.

(6) Upon the approval of the Municipal Board being so ^{Closing} ^{road} obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Metropolitan Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(7) Where, at any time after making application for the ^{Idem} approval of the Municipal Board of the closing of a road, the Metropolitan Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road and does not pay the compensation provided for in the order of the Municipal Board, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Metropolitan Corporation as it deems proper and may fix the amount of such costs.

Appeal

(8) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Metropolitan Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(9) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

(10) The practice and procedure as to the appeal and incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.

Rev. Stat., c. 262, s. 98, not to apply

(11) Section 98 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

Prohibition re access

94.—(1) No person shall, except under the authority of and in accordance with a by-law of the Metropolitan Council, construct, use or allow the use of any private road, entranceway or gate which, or any part of which, is connected with or opens upon a metropolitan controlled-access road.

Notice

(2) The Metropolitan Corporation may give notice to the owner or occupant of any land requiring him to close up any private road, entranceway or gate that does not comply with subsection 1 or with any by-law passed thereunder.

Idem

(3) The notice shall be in writing and sent by registered letter addressed to the owner or occupant of the land and it shall be deemed conclusively to have been received on the second day following the mailing thereof.

Failure to obey notice

(4) If the person to whom the notice is given fails to comply with it within thirty days after its receipt, the Metropolitan Council may by resolution direct any officer, employee or agent of the Metropolitan Corporation to enter upon the land and do or cause to be done whatever may be necessary to close up the private road, entranceway or gate.

Offence and penalties

(5) Every person who violates subsection 1 or fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a penalty of not less than \$10 and not more than \$100 for a first offence and to a penalty of not less than \$50 and not more than \$500 for a second or subsequent offence, and the continuance of the condition constituting an offence for each week after conviction therefor shall constitute a new offence.

(6) Where a person to whom a notice has been given under subsection 3 complies therewith, the owner of the land shall be entitled to such compensation as may be agreed upon between him and the Metropolitan Corporation or he may give notice to the clerk of the Metropolitan Corporation in writing that he requires the amount of the compensation to be determined by the Municipal Board.

(7) Upon receipt of the notice, the clerk of the Metropolitan Corporation shall send a copy of the notice to the secretary of the Municipal Board.

(8) Upon receipt of the notice, the secretary of the Municipal Board shall arrange a time and place for the determination of the matter and shall send notice thereof by registered letter to the owner of the land and to the clerk of the Metropolitan Corporation at least fourteen days before the hearing.

(9) Any increase in the value of the land due to the establishment of the metropolitan controlled-access road shall be disregarded in determining the amount of compensation.

(10) No compensation shall be allowed in respect of a private road, entranceway or gate constructed after the effective date of the by-law of the Metropolitan Council designating the road as a metropolitan controlled-access road.

(11) The decision of the Municipal Board shall be final and shall not be open to appeal except that an appeal shall lie to the Court of Appeal upon a question of jurisdiction or upon a question of law in the manner and under the conditions set out in section 98 of *The Ontario Municipal Board Act* and that section shall apply *mutatis mutandis*.

95. Sections 96, 98, 99, 102 and 105 of *The Highway Improvement Act* shall apply *mutatis mutandis* to any metropolitan road.

96. For the purposes of Part III of *The Highway Improvement Act*, the Metropolitan Corporation shall be deemed to be the corporation of a city having a population of more than 50,000 situate within the County of York but separated therefrom for municipal purposes, and the said Part III shall apply to the Metropolitan Corporation, but no area municipality shall have any liability or authority under that Part.

97.—(1) The Toronto and York Roads Commission, established under Part III of *The Highway Improvement Act*, is

continued,

continued, but the term of office of its present members shall terminate on the 31st day of December, 1953.

New
members

(2) On or before the 1st day of October, 1953, the council of the County of York and the Metropolitan Council shall each appoint two members of the commission who shall take office on the 1st day of January, 1954.

Idem

(3) The fifth member of the commission shall be agreed upon by the four members appointed under subsection 2 and in default of agreement the Lieutenant-Governor in Council may make the appointment.

County
roads
continued
and made
suburban
roads

98. All roads forming part of the county road system of the County of York on the 31st day of December, 1953, except those vested in a local municipality under section 75 or assumed by by-law of the Metropolitan Council under section 76, shall continue to form part of the county road system of the County of York, and shall be suburban roads for all the purposes of Part III of *The Highway Improvement Act*, until changed in accordance with *The Highway Improvement Act*.

Rev. Stat.,
c. 166

Metropolitan
liability
when road
assumed

99.—(1) Where the Metropolitan Corporation assumes as a metropolitan road any road in an area municipality, other than a road mentioned in section 75,

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of such road, but nothing in this clause shall require the Metropolitan Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Rev. Stat.,
c. 215

Default

(2) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(3) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

100.—(1) This Part, except sections 76 and 97, comes into force on the 1st day of January, 1954. Commencement

(2) Sections 76 and 97 come into force on the day this Act receives Royal Assent. Idem

PART VI

METROPOLITAN TRANSPORTATION

101. In this Part,

Interpretation

- (a) “Commission” means Toronto Transit Commission established under this Part;
- (b) “Former Commission” means The Toronto Transportation Commission.

102. On and after the 1st day of January, 1954, there shall be a commission to be known as Toronto Transit Commission, with the powers, rights, authorities and privileges vested in it by this Act. Commission established

103.—(1) The Commission shall be a body corporate and shall consist of five members appointed, except as provided in subsection 2, by by-law of the Metropolitan Council. Corporation, members

(2) The first members of the Commission shall be,

First members

- (a) the three members of the Former Commission in office on the 31st day of December, 1953;
- (b) two members appointed by by-law of the Metropolitan Council before the 1st day of January, 1954, each of whom shall be a ratepayer and a resident of one of the area municipalities other than the City of Toronto.

(3) Of the three members of the Commission who take office under clause *a* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1956, one who shall hold office until the 31st day of December, 1957, and one who shall hold office until the 31st day of December, 1958; of the two members appointed under clause *b* of subsection 2, the Metropolitan Council shall by by-law passed before the 1st day of January, 1954, designate one who shall hold office until the 31st day of December, 1954, and one who shall hold office until the 31st day of December, 1955. Term of office, first members

General (4) A member shall hold office until his successor is appointed and, except in the case of the first members or the filling of a vacancy occurring during a term of office, a member shall be appointed for a term of five years.

Qualification (5) No person shall be eligible to be appointed as a member of the Commission unless he is a resident and a ratepayer of an area municipality.

Councillors disqualified (6) No member of the Metropolitan Council or of the council of an area municipality shall be eligible to be appointed as a member of the Commission.

Two-thirds vote (7) No appointment of a member of the Commission shall be made except on the affirmative vote of at least two-thirds of the members of the Metropolitan Council present and voting.

Re-appointment (8) A member of the Commission shall be eligible for re-appointment on the expiration of his term of office.

Vacancies (9) Where the office of a member of the Commission becomes vacant during his term of office, the Metropolitan Council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Quorum (10) Three members of the Commission shall constitute a quorum.

Remuneration (11) The members of the Commission shall be paid such salary or other remuneration as may be fixed by by-law of the Metropolitan Council.

Assets vested in Commission **104.—**(1) On the 1st day of January, 1954, there is hereby vested in the Commission,

- (a) all the undertaking, assets and real and personal property, wherever situate, owned by, vested in or held by the Former Commission, including the capital stock of Gray Coach Lines Limited held by it;
- (b) all real and personal property acquired or held by The Corporation of the City of Toronto for the purposes of or on behalf of the Former Commission;
- (c) all real and personal property acquired or held by any area municipality in respect of any service furnished by the Former Commission to such municipality or any portion thereof.

(2) The Commission, on the 1st day of January, 1954, shall assume all liabilities of the Former Commission, and shall assume all liabilities of any area municipality incurred in respect of any property vested in the Former Commission under subsection 1. ^{Liabilities}

(3) Subject to section 112, no compensation or damages shall be payable to the Former Commission or any area municipality in respect of any undertaking, assets and property vested in the Commission under this section. ^{No compensation or damages}

(4) In the event of any doubt as to whether any particular asset or liability is vested in the Commission by this section, the Municipal Board, upon application, shall determine the matter and its decision shall be final and not subject to appeal. ^{Settling of doubts}

(5) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting title to property, it shall be sufficient to cite this Act to show the transmission of title to the Commission and the vesting therein of any real or personal property or any interest therein, but if an order has been made by the Municipal Board under subsection 4, the order shall be cited as well. ^{Transfer of title Rev. Stat., cc. 336, 197, 36}

(6) The Former Commission is dissolved as of the 1st day of January, 1954. ^{Former Commission dissolved}

(7) On and after the 1st day of January, 1954, the Commission in relation to the Toronto Transportation Commission Pension Fund Society, a corporation subject to Part XVI of *The Companies Act* and incorporated by letters patent dated the 3rd day of January, 1940, shall stand in the place and stead of the Former Commission. ^{Pension fund society Rev. Stat., c. 59}

(8) The name of the said Toronto Transportation Commission Pension Fund Society is changed to "Toronto Transit Commission Pension Fund Society". ^{Idem}

105.—(1) Where the Former Commission has agreed with any area municipality or other municipality or person, or any two or more of them, for services to be provided by the Former Commission, the Commission shall, on the 1st day of January, 1954, assume all liabilities and be entitled to all benefits of the Former Commission under such agreement and the Former Commission shall be relieved of any liability thereunder. ^{Existing agreements}

(2) Notwithstanding subsection 1 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Commission or of any municipality or person who is a party to such agreement, may by order terminate or vary such agreement and adjust all rights and liabilities thereunder. ^{Termination}

Powers and
duties of
Commission

106. On and after the 1st day of January, 1954, the Commission,

- (a) shall consolidate and co-ordinate all forms of local passenger transportation within the Metropolitan Area, with the exception of steam railways and taxis, and shall plan for the future development of such transportation so as to serve best the inhabitants of the Metropolitan Area;
- (b) shall have and may exercise, with respect to the entire Metropolitan Area, all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation which the Former Commission has with respect to any part of the Metropolitan Area on the 31st day of December, 1953;
- (c) shall have and may exercise all the powers, rights, authorities and privileges with respect to the construction, maintenance, operation, extension, alteration, repair, control and management of local passenger transportation systems heretofore or hereafter conferred upon or exercisable by the council or corporation of any area municipality, and such powers, rights, authorities and privileges shall not be exercised by any area municipality or its council or by the Metropolitan Corporation or the Metropolitan Council.

Specific
powers

107.—(1) The Commission shall, in particular, but not so as to restrict its general powers and duties, have the following powers and duties:

- (a) To construct, maintain, operate, extend, alter, repair, control and manage a local transportation system within the Metropolitan Area by means of surface, underground or over head railways, tramways or buses, or any other means of local transportation except steam railways and taxis.
- (b) To establish new local passenger transportation services in the Metropolitan Area as and when required and to alter, curtail or abolish any services if the Commission deems it desirable so to do.
- (c) To fix such tolls and fares and establish such fare zones so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining,

after

after providing for such maintenance, renewals, depreciation, debt charges and reserves as it may think proper.

- (d) To purchase, lease, acquire and use any real or personal property for its purposes, but the Commission shall not acquire any property which is to be paid for by moneys raised on the issue of debentures of the Metropolitan Corporation unless the approval of the Metropolitan Council has first been obtained.
- (e) To make requisitions upon the Metropolitan Corporation for all sums of money necessary to carry out its powers and duties but nothing in this Act shall divest the Metropolitan Council of its authority with reference to providing the money required for such works, and when such money is provided by the Metropolitan Corporation the treasurer of the Metropolitan Corporation shall upon the certificate of the Commission pay out any money so provided.

(2) The power of the Metropolitan Council to acquire land ^{Expropriation} for the purposes of the Metropolitan Corporation includes the power to acquire land for the purposes of the Commission.

108.—(1) The Commission may enter into an agreement ^{Agreements} with any person, or with one or more area municipalities, or with one or more other municipalities situated within twenty-five miles of the Metropolitan Area, under which the Commission will operate a local passenger transportation service upon such terms as may be agreed upon, but every such agreement shall provide that any deficit in operations shall be paid by the person or municipality or municipalities, and if the agreement is with one or more municipalities the agreement shall provide that any surplus in operations shall be credited to the municipality or municipalities.

(2) Where an agreement is entered into under subsection 1 ^{Surplus or deficit} with one or more municipalities, the council of any such municipality may pass by-laws,

- (a) providing that any deficit charged to the municipality shall be payable out of, and any surplus shall be credited to, the general funds of the municipality; or
- (b) with the approval of the Municipal Board, providing that any deficit shall be assessed against, and any surplus shall be credited to, the rateable property in any area or areas of the municipality defined in the by-law.

Application
of
Rev. Stat.,
c. 322

109.—(1) For the purpose of *The Public Vehicles Act*, the Metropolitan Area shall be deemed to be one urban municipality.

Exclusive
authority

(2) Except in accordance with an agreement made under subsection 3, no person other than the Commission shall, after the 1st day of July, 1954, operate a local public passenger transportation service within the Metropolitan Area, with the exception of steam railways and taxis.

Agreements

(3) An agreement may be entered into between the Commission and any person legally operating a local public passenger transportation service wholly within or partly within and partly without the Metropolitan Area on the 1st day of January, 1954, under which such person may continue to operate such service or any part thereof for such time and upon such terms and conditions as such agreement provides.

Existing
services

(4) Where a local public passenger transportation service is legally operating wholly within the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate, to purchase the assets and undertaking used in providing the service; and
- (b) if no agreement is entered into under clause *a*, the assets and undertaking used in providing the service, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

Idem

(5) Where a local public passenger transportation service is legally operating partly within and partly without the Metropolitan Area on the 1st day of April, 1953, and continues in operation, and will be required by subsection 2 to cease to operate within the Metropolitan Area on the 1st day of July, 1954, or upon the termination of an agreement made under subsection 3,

- (a) the Commission may agree with the owner of the service, not later than one month before the date upon which the service will be required to cease to operate within the Metropolitan Area, to purchase the assets and undertaking used in providing the entire service or to purchase the portion thereof that is allocated to the provision of the service within the Metropolitan Area; and

(b)

- (b) if no agreement is entered into under clause *a*, the portion of the assets and undertaking that is allocated to the provision of the service within the Metropolitan Area, not disposed of by the owner thereof before the date upon which the service is required to cease to operate, shall vest in the Commission on that date.

(6) Where the whole or a portion of the assets and undertaking used in or allocated to the provision of a local public passenger transportation service vests in the Commission, the Commission shall pay due compensation therefor to the owner thereof, based upon the value to the owner of the assets and undertaking used in providing the service where the service was operated wholly within the Metropolitan Area, and based upon the proportion of such value that is allocated to the provision of the service within the Metropolitan Area where the service was operated partly within and partly without the Metropolitan Area.

Compensation

(7) The amount of any compensation payable under this section or any question of allocation, if not mutually agreed upon, shall be determined by the Municipal Board, and the decision of the Municipal Board on any question of allocation shall be final.

Compensation and allocation

(8) The Commission shall be deemed to be a street railway company for the purposes of *The Railways Act*.

Application of Rev. Stat., c. 331

(9) Where a local public passenger transportation service operating partly within and partly without the Metropolitan Area is required by subsection 2 to cease to operate within the Metropolitan Area and thereupon discontinues the portion of its service beyond the Metropolitan Area, the Municipal Board may, on the application of any municipality, order the Commission to furnish a similar service upon such terms and conditions and to such extent as may be fixed by the Municipal Board.

Outside service

(10) Where the Municipal Board orders the Commission to furnish a service under subsection 9, the Commission shall be deemed to have applied for an operating licence under *The Public Vehicles Act*, and the Municipal Board shall issue a certificate of public necessity and convenience, with respect thereto.

Certificate of public necessity and convenience
Rev. Stat., c. 322

110. Immediately after the close of each calendar year the Commission shall prepare, deliver to the Metropolitan Council, and publish,

Annual report

- (a) a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement;

(b)

- (b) a general report of its operations during that calendar year.

Actions,
etc.,
against
Commission

111.—(1) All claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the Commission's transportation system and property, or arising from the exercise of any of the powers of the Commission, shall be made upon and brought against the Commission and not upon or against the Metropolitan Corporation or any area municipality.

Idem

- (2) The Commission may sue and be sued in its own name.

Existing
debenture
liability

112.—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by that area municipality in respect of any property vested in the Commission under subsection 1 of section 104 or issued by that area municipality for or on behalf of the Former Commission.

Payments
by
Commission

- (2) The Commission shall pay to the Metropolitan Corporation, before the date mentioned in subsection 1, the amount which the Metropolitan Corporation is liable to pay on that date under subsection 1.

Default

- (3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

- (4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under subsection 1 of section 104 or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Commence-
ment

- 113.** This Part comes into force on the day this Act receives Royal Assent.

PART VII

EDUCATION

Interpre-
tation

- 114.** In this Part,

- (a) "Department" means Department of Education;

(b)

- (b) "Minister" means Minister of Education;
- (c) "public school division" means the area in which a board of education or a public school board has jurisdiction for public school purposes;
- (d) "regulations" means regulations made under *The Department of Education Act*; Rev. Stat., c. 94
- (e) "resident pupils" means pupils,
 - (i) who reside with their parents or guardians, or
 - (ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district for secondary school purposes, or a public school division for public school purposes, within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for secondary school purposes or public school purposes, respectively, in the high school district or public school division;

- (f) "School Board" means The Metropolitan School Board constituted under this Part.

115.—(1) On the 1st day of January, 1954, School Section No. 9 of the Township of Etobicoke, School Section No. 9, Etobicoke,

- (a) is detached from Union School Section 5, 9 and 22 of the Townships of Toronto Gore, Etobicoke and Vaughan, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*; and detached from union section Rev. Stat., c. 316
- (b) is added to the township school area of the Township of Etobicoke and its assets are vested in The Board of Education for the Township of Etobicoke established under *The Township of Etobicoke Act, 1949*, subject to its liabilities. added to township school area 1949, c. 122

(2) Section 10 of *The Township of Etobicoke Act, 1949* is repealed as of the 1st day of January, 1954. 1949, c. 122, s. 10, repealed

116.—(1) On and after the 1st day of January, 1954, the whole of the Township of North York is created a township school area. Township of North York a township school area

Board of
education
for North
York

(2) In the year 1954 and thereafter there shall be a board of education for the Township of North York, to be known as The Board of Education for the Township of North York, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Rev. Stat.,
cc. 88, 316

Election
by wards

Rev. Stat.,
c. 38

(3) The elective members of the said board of education shall consist of two members to be elected in each ward of the Township, and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Dissolution
of existing
boards, etc.

(4) On the day on which the said board of education holds its first meeting,

- (a) The Collegiate Institute Board of the Township of North York and all public school boards of the Township of North York are dissolved;
- (b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;
- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Township of
Scarborough
a high school
district and
township
school area

117.—(1) On and after the 1st day of January, 1954,

- (a) the present high school district in the Township of Scarborough is enlarged to include the whole of the Township of Scarborough;
- (b) the continuation school district of School Section No. 14 of the Township of Scarborough is dissolved;
- (c) the whole of the Township of Scarborough is created a township school area;
- (d) Union School Section No. 9 and 17 of the Townships of Markham and Scarborough and Union School Section No. 11 and 4 of the Townships of Scarborough

and

and Pickering are dissolved, subject to the adjustment by arbitration of all rights and claims pursuant to section 32 of *The Public Schools Act*.

Rev. Stat.,
c. 316

(2) In the year 1954 and thereafter there shall be a board of education for the Township of Scarborough, to be known as The Board of Education for the Township of Scarborough, and the elective members of the board of education shall be elected at the first annual municipal election in the Township after the day this Act receives Royal Assent and the members to be appointed shall be appointed and the board shall be organized, in accordance with *The Boards of Education Act*, except that the qualifications of elective members shall be those of urban school trustees as provided in *The Public Schools Act*.

Board of
education
for
Scarborough

(3) The elective members of the said board of education shall consist of three members to be elected in each ward of the Township, and of the members first elected in each ward the two members who receive the highest number of votes shall continue in office for two years and until their successors are elected and a new board is organized and the third member shall hold office for one year and until his successor is elected and a new board is organized and subsections 15, 16 and 17 of section 7 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Election
by wards

Rev. Stat.,
c. 38

(4) If the number of wards in the Township is increased, the members of the said board of education shall cease to hold office on the 31st day of December of the year before the increase in the number of wards becomes effective and thereafter the elective members of the board shall consist of two members to be elected in each ward of the Township and subsections 4 and 5 of section 9 of *The Boards of Education Act* shall apply *mutatis mutandis*.

Increase
in number
of wards

(5) On the day on which the said board of education holds its first meeting,

Dissolution
of existing
boards, etc.

(a) The Collegiate Institute Board of the Township of Scarborough, The Board of Trustees of the Continuation School of Agincourt, and all public school boards of the Township of Scarborough are dissolved;

(b) all the powers and duties of such boards shall be carried on by the said board of education which shall have all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board or a board of education;

(c)

- (c) all the property theretofore vested in such boards shall become vested in the board of education; and
- (d) all debts, contracts and agreements for which such boards were liable shall become obligations of the board of education.

Application
of Rev. Stat.,
c. 38

118. All the provisions of *The Boards of Education Act* which are not inconsistent with this Act shall apply to the boards of education created by sections 116 and 117 in the same manner and to the same extent as if such boards of education had been created by by-laws pursuant to *The Boards of Education Act*.

Metropo-
litan
School Board
established

119.—(1) In the year 1953 and thereafter there shall be a board to be known as The Metropolitan School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition
of School
Board

(2) Subject to subsection 5, the School Board shall be composed of the following persons:

- (a) The chairman of The Board of Education for the City of Toronto.
- (b) The chairman of The Board of Education for the Township of York.
- (c) The chairman of The Board of Education for the Township of East York.
- (d) The chairman of The Board of Education for the Township of Etobicoke.
- (e) The chairman of The Board of Education for the Town of Leaside.
- (f) The chairman of The Board of Education for the Town of Weston.
- (g) The chairman of The Lakeshore District Board of Education.
- (h) The chairman of The Board of Education for the Village of Forest Hill.
- (i) The chairman of The Board of Education for the Village of Swansea.
- (j) The chairman of The Board of Education for the Township of Scarborough.

- (*k*) The chairman of The Board of Education for the Township of North York.
- (*l*) The member, in each ward, of The Board of Education of the City of Toronto who at the municipal election next preceding the day the new School Board is organized in any year received the highest number of votes in such ward.
- (*m*) Two representatives to be appointed by the Toronto and Suburban Separate School Board, as if the School Board were a municipal board of education established under *The Boards of Education Act*, Rev. Stat., c. 38 but one of such representatives shall be a resident of the City of Toronto and the other a resident of one of the other area municipalities.

(3) If after any election, by reason of an acclamation or an equality of votes, it cannot be determined which member of The Board of Education of the City of Toronto from any ward is entitled to be a member of the School Board, the matter shall be determined by resolution of that board of education passed before the organization meeting of the School Board. Acclamation or equality of votes

(4) If the chairman of The Board of Education of the City of Toronto is also the person entitled to be a member under clause *l* of subsection 2, the other member of that board representing the same ward shall also be a member of the School Board. Where chairman of Toronto board also member

(5) In the year 1953, in lieu of the members designated in clauses *j* and *k* of subsection 2, the chairman of the board of school trustees of Township School Area No. 1 in the Township of Scarborough and the chairman of the board of school trustees of Township School Area No. 1 in the Township of North York shall be deemed to be the chairmen mentioned in those clauses. Composition of School Board in 1953

(6) At the first meeting of the School Board in the year 1953 and in each year thereafter, at which a quorum is present, the School Board shall organize as a board and elect as chairman one of their members or any other person, to hold office for that year and until his successor is elected or appointed in accordance with this section. Election of chairman

(7) The members present at the first meeting shall select a member to preside and the person so selected may vote as a member. Presiding member

(8) If at the first meeting for any reason a chairman is not elected, the presiding member may adjourn the meeting from Adjournment

time to time, and if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant-Governor in Council shall appoint the chairman to hold office for that year and until his successor is elected or appointed in accordance with this section.

Composition (9) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2, the School Board shall be composed of such chairman and the persons mentioned in subsection 2.

**First
meeting,
1953**

120.—(1) The first meeting of the School Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine and the Minister shall notify each person entitled to be a member of the School Board of the date, time and place of the meeting.

thereafter

(2) The first meeting of the School Board in the year 1954 and thereafter shall be held not later than the third Wednesday in January on such date and at such time and place as may be fixed by resolution of the School Board.

**Certificate
of qualifi-
cation**

(3) A person entitled to be a member of the School Board under subsection 2 of section 119 shall not take his seat until he has filed with the person presiding at the first meeting a certificate under the hand of the secretary of the public school board or board of education for which he was elected, or of the Toronto and Suburban Separate School Board, as the case may be, and under the seal of such board certifying that he is entitled to be a member under subsection 2 of section 119.

**Oath of
allegiance**

(4) Where a person elected or appointed as chairman is not one of the persons mentioned in subsection 2 of section 119, he shall, before taking his seat, take an oath of allegiance.

**Certificates
of office**

(5) No business shall be proceeded with at the first meeting until after the certificates mentioned in subsection 3 have been filed by all the members who present themselves for that purpose.

**When School
Board
deemed
organized**

(6) The School Board shall be deemed to be organized when the certificates have been filed by at least nine members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to file such certificate.

**Place of
meetings**

121. Subject to section 120, all meetings of the School Board shall be held at such places within the Metropolitan Area and at such times as the School Board from time to time appoints.

122.—(1) Nine members of the School Board shall be necessary to form a quorum and the concurring votes of a majority of members present shall be necessary to carry any resolution or other measure. ^{Quorum, voting}

(2) Subject to subsections 3 and 4, each member of the School Board shall have one vote only. ^{One vote}

(3) When in any year the chairman has not been selected from among the members of the School Board, the chairman shall not have a vote except in the event of an equality of votes. ^{Chairman's vote}

(4) When in any year the chairman has been selected from among the members of the School Board, the chairman shall have a second or casting vote in the event of an equality of votes. ^{Idem}

(5) A member of the School Board appointed under clause *m* of subsection 2 of section 119 shall not vote or otherwise take part in any of the proceedings of the School Board exclusively affecting the public schools. ^{Voting by separate school representatives}

123.—(1) The members of the School Board, other than those mentioned in clause *m* of subsection 2 of section 119, shall hold office while they hold the offices mentioned in that subsection and until their successors take office and a new School Board is organized. ^{Term of office, generally}

(2) The first appointments of the members of the School Board mentioned in clause *m* of subsection 2 of section 119 shall be made at the first meeting of the Toronto and Suburban Separate School Board after the day this Act receives Royal Assent or as soon thereafter as possible, and such members shall hold office until the end of the year 1954 and until their successors are appointed in accordance with *The Boards of Education Act*, and the appointment and tenure of office of such members in the year 1955 and thereafter shall be in accordance with subsections 18, 19 and 20 of section 7 of *The Boards of Education Act*. ^{Separate school representatives} ^{Rev. Stat., c. 38}

124.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant-Governor in Council, some person shall be appointed by the Lieutenant-Governor in Council to hold office as chairman for the remainder of the term of his predecessor. ^{Vacancies, chairman}

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 6 of section 119, the School Board shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman, who

may

may be one of the members of the School Board or any other person, to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the chairman or a member referred to in clause *m* of subsection 2 of section 119, the board of education of which he was a member shall within fifteen days after the vacancy occurs appoint his successor from among its members to hold office for the remainder of the term of his predecessor.

Idem

(4) When a vacancy occurs in the office of a member referred to in clause *m* of subsection 2 of section 119, the Toronto and Suburban Separate School Board shall, within fifteen days after the vacancy occurs, appoint his successor to hold office for the remainder of the term of his predecessor.

Resignation
of chairman

(5) Where the chairman of the School Board is a member of a board of education, he may resign his office as chairman without resigning from such board of education.

Vacancy
due to
absence from
meetings

(6) The seat of a member of the School Board shall become vacant if he absents himself from the meetings of the School Board for three consecutive months without being authorized so to do by a resolution of the School Board entered upon its minutes, and the School Board shall forthwith declare the seat to be vacant.

Maintenance
assistance
payments

125.—(1) The School Board shall, in the year 1954 and in each year thereafter, pay to each board of education within the Metropolitan Area, in monthly instalments, a maintenance assistance payment in respect of,

- (a) each resident pupil, of a public school division within the Metropolitan Area, of average daily attendance during the preceding year in the public elementary schools under the jurisdiction of that board;
- (b) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the academic secondary schools under the jurisdiction of that board; and
- (c) each resident pupil, of a high school district within the Metropolitan Area, of average daily attendance during the preceding year in the vocational secondary schools under the jurisdiction of that board.

Amounts,
in 1954
and 1955

(2) The amounts per pupil which shall be payable by the School Board in the years 1954 and 1955 shall be as follows:

- (a) \$150 in respect of each pupil referred to in clause *a* of subsection 1;

(b)

- (b) \$250 in respect of each pupil referred to in clause *b* of subsection 1; and
- (c) \$300 in respect of each pupil referred to in clause *c* of subsection 1.

(3) The amounts per pupil which shall be payable by the School Board in the year 1956 and in each year thereafter shall be determined by the School Board in each such year prior to the adoption of its estimates and separate amounts shall be determined in respect of the pupils in the public elementary schools, academic secondary schools and vocational secondary schools within the Metropolitan Area and such separate amounts per pupil shall be uniform for each board of education within the Metropolitan Area.

(4) The School Board shall annually, forthwith after the determination of the amounts referred to in subsection 3, notify each board of education within the Metropolitan Area of the amount of the maintenance assistance payment payable for such year in respect of each pupil within the classes referred to in clauses *a*, *b* and *c* of subsection 1.

(5) The number of pupils of average daily attendance during the year 1953 in respect of which the boards of education for the Townships of Etobicoke, North York and Scarborough are entitled to payment in the year 1954 shall be determined by the Department.

126.—(1) It shall be the duty of the School Board and it shall have power,

Powers and
duties of
School
Board

- (a) to require each board of education within the Metropolitan Area to prepare and submit to the School Board, from time to time as the School Board may prescribe, its proposals and recommendations with respect to the provision of adequate public elementary and secondary school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the boards of education, the Department, the councils of the area municipalities and the Metropolitan Council and their respective officials, and to prepare and revise from time to time a composite proposal and the recommendations of the School Board for the provision of adequate public elementary, academic secondary and vocational secondary school accommodation for the Metropolitan Area as a whole;

(c)

- (c) to submit to the Metropolitan Council from time to time the composite proposal referred to in clause *b*, together with all relevant information with respect thereto, including any tentative approvals of the Department for legislative grant purposes relating thereto;
- (d) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective boards of education, the boundaries of the attendance areas for those public elementary and secondary schools in the Metropolitan Area which are to be attended by resident pupils from more than one public school division or high school district;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid by the sending board to the receiving board, and the net amount of such fees after allowance has been made for the maintenance assistance payments paid to the receiving board in respect of such pupils;
- (f) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one public school division or high school district in the Metropolitan Area attending a school in another public school division or high school district in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the School Board;
- (g) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any board of education of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister, to the extent that such cost or part thereof exceeds the maintenance assistance payments paid in respect of such pupils;
- (h) to appoint a treasurer, who shall be the treasurer of the Metropolitan Corporation, a secretary and such other officers and staff as may be deemed expedient

for the purposes of the School Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the School Board, if authorized by the School Board;

- (i) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the School Board from his home and in returning to his home, and to pay to each member an expense allowance not exceeding \$300 per annum;
- (j) to prepare, adopt and submit each year to the Metropolitan Council, on or before such date and in such form as the Metropolitan Council may prescribe, the estimates of the School Board for the current year, separately for public elementary and for secondary school purposes, of all sums required to meet its expenditures and obligations under section 125 and this section, and such estimates shall include and make due allowance for,
 - (i) the amount of any surplus or deficit remaining at the end of the preceding year,
 - (ii) the revenue estimated to be derived from the legislative grants specified in subsection 3 of section 128 and from all other sources,
 - (iii) the amounts of principal and interest payable during the current year in respect of all outstanding debentures issued for school purposes.

(2) The Minister may appoint an acting secretary of the School Board who shall have all the powers and duties of the ^{First} secretary of the School Board for the purposes of the first meeting of the School Board in the year 1953 and thereafter until the School Board appoints a secretary under subsection 1, and the acting secretary shall preside at the first meeting of the School Board in the year 1953 until the Board is organized.

127. The Metropolitan Corporation shall pay to the School Board, in monthly instalments, the moneys required by the School Board as shown in its estimates submitted under clause j of section 126, except the moneys required for the purposes of subclause iii of the said clause. ^{Payment by Metro-politan Corporation}

Legislative grants shall not be reduced

128.—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications for legislative grants

(2) Notwithstanding subsections 3 and 4, each board of education in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed.

General legislative grants payable to School Board

(3) Notwithstanding any other Act or any regulations made thereunder, during the year 1954 and thereafter the general legislative grants, except those payable in respect of milk for consumption by pupils, night schools, text books and reference books, payable to or on behalf of any board having jurisdiction over a public school division, high school district or continuation school district in the Metropolitan Area shall be paid to the School Board.

Certain legislative grants payable to boards of education

(4) The general legislative grants in respect of milk for consumption by pupils, night schools, text books and reference books referred to in subsection 3, together with any special legislative grants to which the board of a public school division, high school district or continuation school district in the Metropolitan Area may be entitled, shall continue to be paid to that board or, if such board has been dissolved by this Act, to the board of education to which its powers and duties have been assigned.

Estimates of boards of education

129.—(1) Each board of education in the Metropolitan Area when preparing and submitting to the municipal council or councils its annual estimates as provided by law shall, in addition to all other requirements, include and make due allowance for the maintenance assistance payments and other revenues to be received during the year from the School Board, and such estimates may, notwithstanding any other Act, include an additional sum to be obtained from current revenue for permanent improvements to be made during the year.

Powers and duties

(2) Each board of education in the Metropolitan Area shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to them.

School debenture liability

130.—(1) On and after the 1st day of January, 1954, the Metropolitan Corporation shall pay to each area municipality before the due date all amounts of principal and interest

becoming

becoming due upon any outstanding debentures issued by the area municipality for public or secondary school purposes.

(2) If the Metropolitan Corporation fails to make any ^{Default} payment as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(3) In the event of any doubt as to whether any outstanding ^{Settling of doubts} debenture or portion thereof was issued for public or secondary school purposes, the Municipal Board, upon application, may determine the matter, and its decision shall be final.

131.—(1) Notwithstanding any of the provisions of this ^{Discon-} or any other Act, no board of education in the Metropolitan ^{tinuance and sale of schools, etc.} Area,

(a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the School Board;

(b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the School Board.

(2) Where a board of education sells, leases or otherwise ^{Application of proceeds} disposes of any school property in accordance with clause *b* of subsection 1, the board of education shall pay to the School Board that share of the proceeds of such disposal that bears the same ratio to the total proceeds as the portion of the total cost of such property borne by the Metropolitan Corporation bears to the total cost of such property.

(3) In the event of any doubt as to the apportionment of ^{Settling of doubts} the proceeds in accordance with subsection 2, the Municipal Board, upon application, may determine the matter, and its decision shall be final.

132.—(1) Where a board of education in the Metropolitan ^{Application for debentures for school purposes} Area desires that the sums required for permanent improvements as defined in clause *m* of subsection 1 of section 1 of *The High Schools Act* or for any of the purposes mentioned in subsection ^{Rev. Stat., cc. 165, 316} 1 of section 56 of *The Public Schools Act* shall be raised by the issue and sale of debentures, it may apply to the council or councils of the area municipality or municipalities in which it has jurisdiction and it shall at the same time deliver a copy of such application to the secretary of the School Board and the clerk of the Metropolitan Corporation.

Idem

(2) The application shall state the purpose of the proposed borrowing, the nature and estimated cost of the proposed work or project, the estimated amount of general legislative grants payable in respect thereof and the proposed term of years of the debentures to be issued.

Disposition of application by area council

(3) Each council applied to shall, at its first meeting after receiving the application or as soon thereafter as possible, consider and approve or disapprove the application and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Duty of municipal clerk

(4) The clerk of each such area municipality shall forward a certified copy of the resolution of the council approving or disapproving the application to the secretary of the applicant board of education, the secretary of the School Board and the clerk of the Metropolitan Corporation.

Disposition of application by School Board

(5) The School Board, at its first meeting after receiving its copy of the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and the secretary of the School Board shall forward a certified copy of its resolution in respect of the application to the secretary of the applicant board of education, the clerk of each area municipality concerned and the clerk of the Metropolitan Corporation.

Disposition of application by Metropolitan Council

133.—(1) The Metropolitan Council, after the application referred to in section 132 has been dealt with by the council of each area municipality concerned and by the School Board, shall consider and approve or disapprove the application, and the clerk of the Metropolitan Corporation shall thereupon give notice of the decision of the Metropolitan Council to the secretary of the applicant board of education, the clerk of each area municipality concerned and the secretary of the School Board.

Application to Municipal Board

Rev. Stat., c. 262

(2) If the Metropolitan Council approves the application, it shall apply to the Municipal Board for its approval under section 67 of *The Ontario Municipal Board Act*, and if the Municipal Board approves, the Metropolitan Council shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures of the Metropolitan Corporation for the purposes stated in the application.

Appeal

(3) Where the Metropolitan Council disapproves the application, the applicant board of education or the council of any area municipality concerned or the School Board may appeal to the Municipal Board for an order requiring the Metropolitan Council to pass a by-law for borrowing money by the issue and sale of debentures for the purpose or purposes stated in the application.

(4) The Municipal Board shall conduct a public hearing of every such appeal upon such notice as it may deem proper, and may dismiss the appeal or may by order require the Metropolitan Council to pass the by-law mentioned in subsection 3, and the decision of the Municipal Board on such appeal shall be final.

(5) Every order of the Municipal Board granting approval of an application under subsection 2 or requiring the issuing of debentures under subsection 4 shall direct,

- (a) that the amount of the debt to be created for the portion of the proposed expenditure approved by the Minister for legislative grant purposes shall be repaid by levies against all the area municipalities; and
- (b) that the balance of the said debt shall be repaid by levies only against the area municipality or area municipalities in which the applicant board of education has jurisdiction.

134.—(1) Nothing in this Act affects any public school board or public school section within the Metropolitan Area heretofore or hereafter established by the Minister under section 66 of *The Public Schools Act* or any high school board or high school district within the Metropolitan Area hereafter established by the Minister under subsection 6 of section 5 of *The High Schools Act*.

(2) The School Board shall be deemed to be a board within the meaning of *The Teachers' Superannuation Act*.

135.—(1) This Part, except section 125, clauses *d, e, f, g* and *j* of subsection 1 of section 126 and sections 127 to 133, comes into force on the day this Act receives Royal Assent.

(2) Section 125, clauses *d, e, f, g* and *j* of subsection 1 of section 126 and sections 127 to 133, come into force on the 1st day of January, 1954.

PART VIII

SEPARATION FROM COUNTY OF YORK

Separation
from
County
of York

136. On and after the 1st day of January, 1954, the following area municipalities are hereby withdrawn and for municipal purposes shall be separated from the County of York:

The Township of East York
The Township of Etobicoke
The Village of Forest Hill
The Town of Leaside
The Village of Long Branch
The Town of Mimico
The Town of New Toronto
The Township of North York
The Township of Scarborough
The Village of Swansea
The Town of Weston
The Township of York.

Composition
of councils

137. Subject to section 138, the council of each area municipality mentioned in section 136 shall continue to be composed as if this Act had not been passed.

By-laws re
composition
of councils

138.—(1) The council of any town mentioned in section 136 may pass by-laws providing that the council shall be composed of a mayor to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the town is divided into wards, by wards or partly by wards and partly by general vote.

Idem

(2) The council of any village or township mentioned in section 136 may pass by-laws providing that the council shall be composed of a reeve to be elected by general vote, and not more than eight councillors, and the by-law may provide that the councillors shall be elected by general vote or, if the village or township is divided into wards, by wards or partly by wards and partly by general vote.

Repeal

(3) A by-law under this section shall not be repealed until two annual elections have been held under it.

Time for
passing;
assent of
electors

(4) A by-law under this section, and a by-law repealing any such by-law, shall be passed not later in the year than the 1st day of November and shall not be passed unless it has received the assent of the municipal electors.

(5) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after its passing. ^{Effective date}

(6) Notwithstanding subsection 4, a by-law may be passed in the year 1953 under this section, not later than the 1st day of November, without the assent of the municipal electors. ^{1953 by-laws}

139. Notwithstanding section 87 of *The Assessment Act*, the council of the County of York shall not examine, consider or include the assessment rolls of or the valuations of real property in the area municipalities mentioned in section 136 in the preparation of its equalization by-law in the year 1953. ^{1953 County equalization Rev. Stat., c. 24}

140. This Part comes into force on the day this Act receives Royal Assent. ^{Commencement}

PART IX

HEALTH AND WELFARE SERVICES

141.—(1) The Metropolitan Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality shall have any liability under the said provisions. ^{Liability for hospitalization of indigents Rev. Stat., c. 307}

(2) Where the superintendent of a hospital notifies the clerk of the Metropolitan Corporation in accordance with subsection 1 or 2 of section 20 of *The Public Hospitals Act*, he shall at the same time and in the same manner notify the clerk of the area municipality in which the indigent person is or is represented to be a resident. ^{Notice to area municipality}

(3) The clerk of an area municipality shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the Metropolitan Corporation under section 20 of *The Public Hospitals Act*. ^{Particulars to be sent to Metropolitan clerk}

(4) The clerk of an area municipality, within ten days of receiving a notice sent to him under subsection 3, shall send by registered letter, or deliver, the particulars to the clerk of the Metropolitan Corporation. ^{Idem}

(5) Upon the failure of the clerk of an area municipality to comply with subsections 3 and 4, the area municipality shall

shall

shall be liable to the Metropolitan Corporation for the charges for treatment of the patient in respect of whom the information is requested.

Existing
liabilities
transferred

142.—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the County was liable because the indigent person was a resident of an area municipality.

Idem

(2) The Corporation of the City of Toronto shall not be liable, and the Metropolitan Corporation shall be liable, for the hospitalization or burial, after the 31st day of December, 1953, of an indigent person or his dependant who was in hospital on the 31st day of December, 1953, and in respect of whom the City was liable because the indigent person was a resident of the City.

Proviso

(3) Nothing in subsection 1 or 2 shall relieve the County or the City from any liability in respect of hospitalization provided or burials before the 1st day of January, 1954.

Aid to
hospitals

143. The Metropolitan Council may pass by-laws for granting aid for the erection, establishment, maintenance or equipment of public hospitals, including municipal hospitals, public sanatoria or municipal isolation hospitals in the Metropolitan Area and may issue debentures therefor.

Post-
sanatorium
care

144.—(1) The Metropolitan Corporation shall repay to the local board of health of each area municipality the expenses necessarily incurred by the local board for post-sanatorium care furnished after the 31st day of December, 1953, in discharge of its liability under subsection 2 of section 37 of *The Sanatoria for Consumptives Act*.

Rev. Stat.,
c. 346

Repayment
by Metro-
politan
Corporation

(2) Where an area municipality repays to another local municipality expenses incurred by that other local municipality for post-sanatorium care furnished after the 31st day of December, 1953, under subsection 5 of section 37 of *The Sanatoria for Consumptives Act*, the Metropolitan Corporation shall repay such expenses to the area municipality.

Burial of
indigents
dying in
sanatorium

(3) The Metropolitan Corporation shall repay to each area municipality any expenses incurred by the area municipality for burials after the 31st day of December, 1953, under section 38 of *The Sanatoria for Consumptives Act*, subject to the limitations set out in the said section 38.

(4) Payment under subsections 1 to 3 shall be made quarterly by the Metropolitan Corporation upon receipt from the area municipality of detailed accounts in respect of the quarter, together with such information as the Metropolitan Council may require. Time for payment

(5) Where the Metropolitan Corporation has repaid to an area municipality the expenses of the burial of a deceased patient under subsection 3, the Metropolitan Corporation, in lieu of the area municipality, shall have the rights of recourse provided for in sections 40 and 41 of *The Sanatoria for Consumptives Act*. Rights of recourse
Rev. Stat., c. 346

145.—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged Act*, and no area municipality shall have any liability as to the establishment, erection and maintenance of a home for the aged under that Act. Liability respecting home for aged
Rev. Stat., c. 168

(2) Subsection 4 of section 9 of *The Homes for the Aged Act* shall apply in respect of applicants for admission to a home for the aged of the Metropolitan Corporation except that, Admission to home for aged

(a) the authorization in the prescribed form referred to in clause *a* of that subsection shall be signed by the chairman or by such other member of the Metropolitan Council as is designated by resolution of the Metropolitan Council;

(b) the statement in the prescribed form referred to in clause *c* of that subsection shall be signed by the welfare officer of the area municipality in which the applicant resides at the time of his application.

146. A home for the aged of the Metropolitan Corporation may be established, erected and maintained either within or outside the Metropolitan Area. Location of home for aged

147.—(1) The home for the aged established, erected or maintained under *The Homes for the Aged Act* by The Corporation of the City of Toronto, and all real and personal property used for the purposes of such home, is hereby vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City in respect thereof. Toronto home for aged vested in Metropolitan Corporation

(2) The Metropolitan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City for the purposes of the said home for the aged. Existing debenture liability

Default

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the said home for the aged, the Municipal Board, upon application, may determine the matter and its decision shall be final.

Residents
of County
home for
aged

148.—(1) The Metropolitan Corporation shall pay to The Corporation of the County of York the cost of maintenance in the County home for the aged, after the 31st day of December, 1953, of every resident of that home who was admitted thereto due to residence in an area municipality.

Amount of
maintenance
payment

(2) The amount payable by the Metropolitan Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Liability
for
neglected
children
Rev. Stat.,
c. 53

149.—(1) The Metropolitan Corporation shall be deemed to be a city for the purposes of the provisions of *The Children's Protection Act* imposing liability on municipalities with respect to neglected children, and no area municipality shall have any liability under the said provisions.

Rev. Stat.,
c. 53, s. 4;
s. 17,
subss. 2, 3;
s. 21, subs. 2,
not to apply

(2) Section 4, subsections 2 and 3 of section 17 and subsection 2 of section 21 of *The Children's Protection Act* shall not apply to the Metropolitan Council or the Metropolitan Corporation, and each area municipality shall be deemed to be a city for the purposes of section 4 of the said Act.

By-laws
in aid

(3) The Metropolitan Council shall have the powers given to the council of every municipality under section 29 of *The Children's Protection Act*.

Proviso

(4) Nothing in this Act alters or affects the area in which a children's aid society approved under *The Children's Protection Act* has jurisdiction.

Existing
liabilities
transferred

150.—(1) The Corporation of the County of York shall not be liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the County on the 31st day of December, 1953, where the order was made because the child belonged to the County due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be ^{Idem} liable, and the Metropolitan Corporation shall be liable, for the maintenance of a neglected child in respect of whom an order for maintenance was in force against the City on the 31st day of December, 1953.

(3) Nothing in subsection 1 and 2 shall relieve the County ^{Proviso} or City from any liability in respect of maintenance provided before the 1st day of January, 1954.

151. The Metropolitan Corporation shall be deemed to ^{Liability under Rev. Stat., c. 134} be a municipality for the purposes of subsection 6 of section 9 of *The Female Refuges Act* and for the purposes of the regulations under that Act, and no area municipality shall have any liability under the said subsection or regulations.

152.—(1) An area municipality shall not be liable, and ^{Existing liabilities transferred} the Metropolitan Corporation shall be liable, for the maintenance of any person who was in a female refuge on the 31st day of December, 1953, and in respect of whom the area municipality was liable because the person was a resident thereof.

(2) Nothing in subsection 1 shall relieve any area muni- ^{Proviso} cipality from any liability in respect of maintenance provided before the 1st day of January, 1954.

153. The Metropolitan Corporation shall be deemed to ^{Liability under Rev. Stat., c. 396} be a city for the purposes of subsection 1 of section 13 and sections 14 to 18 and 22 of *The Training Schools Act*, and no area municipality shall have any liability under the said provisions.

154.—(1) The Corporation of the County of York shall ^{Existing liabilities transferred} not be liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the County was liable on the 31st day of December, 1953, due to residence in an area municipality.

(2) The Corporation of the City of Toronto shall not be ^{Idem} liable, and the Metropolitan Corporation shall be liable, for payment under *The Training Schools Act* towards the maintenance and education of a child in respect of whom the City was liable on the 31st day of December, 1953, due to residence in the City.

(3) Nothing in subsections 1 and 2 shall relieve the County ^{Proviso} or the City from any liability in respect of maintenance and education provided before the 1st day of January, 1954.

Information **155.** Every area municipality and every officer or employee thereof shall, at the request of the clerk of the Metropolitan Corporation, furnish forthwith to such clerk any information he may require for the purposes of *The Homes for the Aged Act*, *The Children's Protection Act*, *The Female Refuges Act* and *The Training Schools Act*.

Rev. Stat.,
cc. 168, 53,
134, 396

Adjustments **156.** In the event of any doubt as to whether any liability is transferred under section 142, 150, 152 or 154 or as to whether the Metropolitan Corporation is liable under subsection 1 of section 148 in respect of any particular resident of the County home for the aged, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Commence-
ment

157. This Part comes into force on the 1st day of January, 1954.

PART X

ADMINISTRATION OF JUSTICE, ETC.

Court house
and jail **158.**—(1) The Metropolitan Corporation shall provide and maintain a court house and a jail.

Sufficient
for county (2) The court house and jail shall be sufficient for the purposes of the County of York as well as for the purposes of the Metropolitan Area.

Maintenance
of jail (3) The jail shall be provided and maintained in accordance with *The Jails Act* and to the satisfaction of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 188

Erection,
etc., of
court house
and jail **159.**—(1) The Metropolitan Council may pass by-laws for erecting, enlarging or improving a court house or jail, and shall keep the same in repair and provide the food, fuel and other supplies necessary therefor.

County
buildings (2) The County of York may acquire land for, and may erect and maintain, either in the Metropolitan Area or elsewhere in the county, buildings for use as a county hall and for offices for the county officials.

Metropolitan
jail (3) The Metropolitan Corporation may erect and maintain its jail either within the Metropolitan Area, the County of York, or any county adjoining the County of York.

Use of
court house
and jail
by county **160.** The court house and the jail provided by the Metropolitan Corporation shall be the court house and jail of the

County of York, and the sheriff of the county and the jailer shall receive and safely keep, until duly discharged, all persons committed to the jail by any competent authority of the county.

161. The Metropolitan Council shall have the care of its court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the jail, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the provincial courts of justice, other than the division courts, and for the library of the law association of the county, such last-mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery and furniture and, when certified by the Attorney-General to be necessary, with typewriters, for all officers connected with such provincial courts, other than the Crown attorney of the City of Toronto, and shall pay all other fees and moneys payable in connection with the administration of justice by the City of Toronto under the terms of the agreement referred to in section 172.

Metropolitan Council to provide accommodation, etc.

162. The care of the court house and jail of the Metropolitan Corporation shall be regulated by by-law of the Metropolitan Council.

By-laws

163.—(1) The County of York shall bear and pay its just share or proportion of all charges and expenses from time to time incurred in erecting, enlarging, improving, repairing or maintaining the court house and jail of the Metropolitan Corporation, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in section 161, and of all other charges relating to the administration of justice except such as the Metropolitan Corporation is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Liability of county to share costs of court house, etc.

(2) The use of the court house for the sittings of a division court of a division which comprises part of the county may be taken into account in determining the amount to be paid by the county for the maintenance of the court house.

Allowance for use of court house for division courts

(3) If the Metropolitan Corporation and the county are unable to agree as to the amount to be paid by the county, the amount shall be determined by arbitration under *The Municipal Act*.

Arbitration
The Rev. Stat., c. 243

Insurable
interests

164. The county and the Metropolitan Corporation shall have from time to time insurable interests in the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of erecting, enlarging, improving and repairing such buildings, and in the contents and furniture of the court house and jail in the proportions of the aggregate amounts which they have respectively contributed to the costs, charges and expenses of providing the contents and furniture.

Care of
prisoners,
etc.

165.—(1) The county shall pay to the Metropolitan Corporation in respect of its use of the court house and jail and for the care and maintenance of prisoners such compensation as may be mutually agreed upon or determined by arbitration under *The Municipal Act*.

Rev. Stat.,
c. 243

Compensa-
tion

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrator shall, so far as he deems just and reasonable, take into consideration the original cost of the site and erection of the jail and jail buildings and of repairs and insurance, so far as they have been borne by one or other of the two municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith.

Reconsidera-
tion of
compensa-
tion

166. After five years from the time when the amount of the compensation is agreed upon or determined by arbitration under sections 163 and 165 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council upon the application of the county or the Metropolitan Corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or determined by arbitration.

Use of
jail as
lock-up

167. The jail may be used for the purposes of a lock-up house for any area municipality or any local municipality in the county, and if so used the area municipality or local municipality shall pay yearly to the treasurer of the Metropolitan Corporation a reasonable sum for such use and for the expenses incurred by such use, and in case of disagreement the amount to be paid to the Metropolitan Corporation shall be determined by arbitration under *The Municipal Act*.

Custody
of jails;
employees

168. Sections 369 and 370 of *The Municipal Act* apply to the jail, the Metropolitan Corporation and the jailers and jail employees, and the Metropolitan Corporation shall be deemed to be a city for the purposes of those sections.

Rev. Stat.,
c. 243,
ss. 366-380,
not to apply

169. Sections 366 to 380 of *The Municipal Act* do not apply to the County of York or any area municipality.

170.—(1) The jail maintained by The Corporation of ^{Toronto jail vested in Metropolitan Corporation} the City of Toronto, and all real and personal property used for the purposes of such jail, is vested in the Metropolitan Corporation and, subject to subsection 2, no compensation or damages shall be payable to the City.

(2) On and after the 1st day of January, 1954, the Metro- ^{Metropolitan liability} politan Corporation shall pay to The Corporation of the City of Toronto before the due date all amounts of principal and interest becoming due on any outstanding debentures issued by the City in respect of such jail.

(3) If the Metropolitan Corporation fails to make any ^{Default} payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(4) In the event of any doubt as to whether any debenture ^{Settling of doubts} or portion thereof was issued in respect of the jail, the Municipal Board, upon application, may determine the matter and its decision shall be final.

171.—(1) Until the Metropolitan Corporation has pro- ^{Accommodation, etc., to be provided by City of Toronto} vided, established or erected a court house and is ready to provide and pay for all matters mentioned in section 161, The Corporation of the City of Toronto shall in the first instance provide and pay for all such matters.

(2) The Metropolitan Corporation shall repay to The ^{Compensation} Corporation of the City of Toronto, in such manner as may be agreed upon, the costs incurred by the City under subsection 1.

172. The agreement between The Corporation of the City ^{Agreement terminated} of Toronto and The Corporation of the County of York, confirmed by section 1 of *An Act respecting the City of Toronto*, ^{1885, c. 73} being chapter 73 of the Statutes of Ontario, 1885, is terminated as of the 1st day of January, 1954.

173. The Metropolitan Corporation shall be deemed to ^{Juvenile courts} be a city for the purposes of *The Juvenile and Family Courts Act*, but if a juvenile court is established for the Metropolitan ^{Rev. Stat., c. 193} Corporation the limitations on the expenses of such court provided for in subsection 2 of section 10 of that Act shall not apply.

174.—(1) Nothing in this Act alters or affects the boun- ^{Registry and land titles offices} daries of any registry division, but for the purposes of *The Land Titles Act* and *The Registry Act* the area municipalities, except the City of Toronto, shall be deemed to be separated ^{Rev. Stat., cc. 197, 336} towns.

Registry
office
expendi-
tures

(2) Each area municipality, except the City of Toronto, shall bear, and shall pay to the treasurer of the County of York, such equitable proportion of the expenses incurred by the said treasurer under section 21 of *The Registry Act* with respect to the Registry Office for the Registry Division of the East and West Riding of the County of York, as the Inspector of Legal Offices directs.

Commence-
ment

175. This Part comes into force on the 1st day of January, 1954.

PART XI

HOUSING AND REDEVELOPMENT

Housing and
redevelop-
ment

Rev. Stat.,
cc. 174, 277

176.—(1) The Metropolitan Corporation and the Metropolitan Council shall have all the powers conferred on the corporation or council of a municipality under *The Housing Development Act*, and under *The Planning Act* or any other Act with respect to housing or building development, housing projects, temporary housing accommodation and redevelopment areas and with respect to any other matter concerned with the provision or improvement of housing accommodation.

Powers of
area muni-
cipalities

(2) Nothing in subsection 1 shall be deemed to limit or interfere with the powers of the area municipalities with respect to the matters mentioned in subsection 1.

Agreements
with muni-
cipalities

177. Without limiting its powers under subsection 1 of section 176, the Metropolitan Corporation,

(a) shall be deemed to be a governmental authority within the meaning of sections 22 and 23 of *The Planning Act*; and

(b) may enter into agreements with any area municipality for sharing or contributing to the costs incurred by the area municipality in exercising any of its powers with respect to the matters mentioned in subsection 1 of section 176.

Commence-
ment

178. This Part comes into force on the 1st day of January, 1954.

PART XII

PLANNING

Planning
areas
Rev. Stat.,
c. 277

179.—(1) The Minister of Planning and Development shall define a planning area under *The Planning Act*, which shall include the Metropolitan Area and such other municipalities

or parts of municipalities as in his opinion constitute a complete planning unit, and the name of the planning area shall be The Metropolitan Toronto Planning Area.

(2) The Metropolitan Corporation shall be the designated municipality within the meaning of *The Planning Act* for the purposes of the said planning area. Designated municipality

(3) The planning board for the planning area shall be constituted as provided in *The Planning Act* except that the membership of the board shall at all times include two persons recommended by The Metropolitan School Board and approved by the Minister of Planning and Development. Planning board

(4) Subject to subsection 5, all planning areas and subsidiary planning areas heretofore established, which are included in The Metropolitan Toronto Planning Area, shall be subsidiary planning areas within the said planning area. Subsidiary planning areas

(5) On the day The Metropolitan Toronto Planning Area is defined, the planning area constituted under *The Planning Act* and consisting of the whole of the County of York, and the Toronto and York Planning Board, are hereby dissolved. Dissolution of Toronto and York Planning Area

(6) Nothing in subsection 4 shall affect any official plan in effect in any subsidiary planning area. Proviso

(7) When the Minister has approved an official plan adopted by the Metropolitan Council, Subsidiary plans

(a) any official plan then in effect in a subsidiary planning area affected thereby shall be amended to conform therewith;

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith;

(c) no public work, as defined in *The Planning Act*, shall be undertaken, and no by-law shall be passed, by any municipality or local board within The Metropolitan Toronto Planning Area, that does not conform therewith.

180. The Metropolitan Corporation shall be deemed to be a municipality for the purposes of sections 1 to 16, 18 to 20, 28 and 29 of *The Planning Act*, and no area municipality shall be deemed to be a municipality for the purposes of section 7 of *The Planning Act* with respect to the financial requirements of the board of The Metropolitan Toronto Planning Area. Application of Rev. Stat., c. 277, to Metropolitan Corporation

Scope and
purposes
of official
plan

181. The scope and general purpose of the official plan for The Metropolitan Toronto Planning Area shall include,

- (a) land uses and consideration generally of industrial, agricultural, residential and commercial areas;
- (b) ways of communication;
- (c) sanitation;
- (d) green belts and park areas;
- (e) public transportation,

and such other matters as the Minister of Planning and Development may from time to time define under *The Planning Act*.

Application
of Rev. Stat.,
c. 277

182. Except as provided in this Part, the provisions of *The Planning Act* shall continue to apply.

Commence-
ment

183. This Part comes into force on the day this Act receives Royal Assent.

PART XIII

PARKS, RECREATION AREAS, ETC.

Acquiring
land for
parks, etc.

184. The Metropolitan Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, recreation areas, squares, avenues, boulevards and drives in the Metropolitan Area or in any adjoining local municipality in the County of Ontario or the County of Peel or in any local municipality in the County of York, and for exercising all or any of the powers which are conferred on boards of park management by *The Public Parks Act*.

Rev. Stat.,
c. 314

Payments
in lieu of
taxes

185.—(1) Where the Metropolitan Corporation has acquired land under section 184, the Metropolitan Council may agree to pay annually to the area municipality or other local municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes in the year of acquisition if the land were not exempt from taxation.

Proviso

(2) Subsection 1 does not apply where the land acquired by the Metropolitan Corporation was acquired from the municipality in which the land was situate or from a local board thereof and at the time of acquisition was used as a public park, recreation area, square, avenue, boulevard or drive.

186.—(1) For the purposes of section 184, the Metro-^{Assumption of existing parks, etc.}politan Council may with the approval of the Municipal Board by by-law assume any existing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or in any local board thereof, and upon the passing of the by-law the public park, recreation area, square, avenue, boulevard or drive shall vest in the Metropolitan Corporation.

(2) Where the Metropolitan Corporation assumes any exist-^{Existing debenture liability}ing public park, recreation area, square, avenue, boulevard or drive vested in any area municipality or local board thereof,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Metropolitan Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality in respect of the property assumed.

(3) If the Metropolitan Corporation fails to make any^{Default} payment as required by clause b of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(4) In the event of any doubt as to whether any outstanding^{Settling of doubts} debenture or portion thereof was issued in respect of the property assumed, the Municipal Board, upon application, may determine the matter and its decision shall be final.

(5) Nothing in this section authorizes the Metropolitan^{C.N.E. lands exempt} Council to assume any of the lands in the City of Toronto from time to time made available to the Canadian National Exhibition Association.

187. This Part comes into force on the 1st day of January,^{Commence-ment} 1954.

PART XIV

FINANCES

188. In this Part, "rateable property" includes business^{Interpre- tation Rev. Stat., c. 24} and other assessment made under *The Assessment Act*.

YEARLY LEVIES AND ESTIMATES

189.—(1) The Metropolitan Council shall in each year^{Yearly estimates} prepare and adopt estimates of all sums required during the year for the purposes of the Metropolitan Corporation,

including

including the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance
to be
made in
estimates

(2) In preparing the estimates the Metropolitan Council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year.

Levy on
area muni-
cipalities

190.—(1) The Metropolitan Council shall in each year levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted;
- (b) for payment of all debts of the Metropolitan Corporation, whether of principal or interest, falling due within the year, including principal and interest payments in respect of debenture debt of area municipalities for the payment of which the Metropolitan Corporation is liable under this Act.

Apportion-
ment

(2) The Metropolitan Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Public
school
purposes

(3) The amount levied under subsection 1 for public school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for public school purposes in each of the area municipalities bears to the whole rateable property rateable for public school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Secondary
school
purposes

(4) The amount levied under subsection 1 for secondary school purposes shall be apportioned among the area municipalities in the proportion that the whole rateable property rateable for secondary school purposes in each of the area municipalities bears to the whole rateable property rateable for secondary school purposes in the Metropolitan Area, according to the last revised assessment rolls.

Other
purposes

(5) All other amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Metropolitan Area, according to the last revised assessment rolls.

(6) The apportionment of the levy among the area municipalities as provided for in subsections 2 to 5 shall be based on the full value of all rateable property, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 of *The Assessment Act*. Fixed assessments, etc., not to apply
Rev. Stat., c. 24

(7) One by-law or several by-laws for making the levies may be passed as the Metropolitan Council may deem expedient. Levy by-laws

(8) The clerk of the Metropolitan Corporation shall forthwith after the metropolitan levies have been apportioned certify to the clerk of each area municipality the amount which has been so directed to be levied therein for the then current year for metropolitan purposes showing separately the amounts required for public school purposes, secondary school purposes and general purposes. Certificate of levy

- (9) In each area municipality, the metropolitan levy, Local levies for metropolitan purposes
- (a) for public school purposes shall be calculated and levied upon the whole rateable property rateable for public school purposes;
 - (b) for secondary school purposes shall be calculated and levied upon the whole rateable property rateable for secondary school purposes; and
 - (c) for all other purposes shall be calculated and levied upon the whole rateable property rateable for such purposes,

within such area municipality according to the last revised assessment roll thereof.

(10) All moneys levied against an area municipality under the authority of this section shall be a debt of the area municipality to the Metropolitan Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Metropolitan Corporation at the times and in the amounts specified by the by-law of the Metropolitan Council mentioned in subsection 2. Payment

(11) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

RESERVE FUNDS

191.—(1) The Metropolitan Council may in each year, if authorized by a two-thirds vote of the members present at a meeting, Reserve funds

meeting, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Rev. Stat.,
c. 400

Expenditure
of reserve
fund
moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current
borrowings

192.—(1) The Metropolitan Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Metropolitan Council may deem necessary to meet, until the levies are received, the current expenditures of the Metropolitan Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Metropolitan Corporation, and the sums required by law to be provided by the Metropolitan Council for school purposes and for any local board of the Metropolitan Corporation.

Limit upon
borrowings

(2) The amount which may be borrowed in any year for the purposes mentioned in subsection 1 shall not, except with the approval of the Municipal Board, exceed 70 per cent of the total amount of the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Metropolitan Corporation as set forth in the estimates adopted for the next preceding year, but in the year 1954, until the estimates for that year are adopted, the amount that may be borrowed for the purposes mentioned in subsection 1 shall be determined by the Department.

Exclusion
from
estimated
revenues

(4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from

the sale of assets, borrowings or issues of debentures or from a surplus including arrears of levies and proceeds from the sale of assets.

(5) The lender shall not be bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(6) Any promissory note made under the authority of this section shall be sealed with the seal of the Metropolitan Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(7) The Metropolitan Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Metropolitan Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge shall not defeat or affect and shall be subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection 7 shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Metropolitan Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor shall be disqualified from holding any municipal office for two years. Penalty for excess borrowings

(10) If the Metropolitan Council authorizes the application of any revenues of the Metropolitan Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Metropolitan Council

(11) If any member of the Metropolitan Council or officer of the Metropolitan Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(12) Subsections 9, 10 and 11 shall not apply to the Metropolitan Council or any member of the Metropolitan Council or officer of the Metropolitan Corporation acting under an order Saving as to penalties

or

Rev. Stat.,
c. 96

or direction issued or made under the authority of Part III of *The Department of Municipal Affairs Act*, nor shall they apply in any case where application of the revenues of the Metropolitan Corporation is made with the consent of the lender in whose favour a charge exists.

DEBENTURES

Debentures

Rev. Stat.,
c. 262

193.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Metropolitan Council may borrow money for the purposes of,

- (a) the Metropolitan Corporation, including the purposes of the Toronto Transit Commission;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities;
- (d) any board of education in the Metropolitan Area,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Metropolitan Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Metropolitan Council under the authority of this Act shall be direct, joint and several obligations of the Metropolitan Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection shall affect the rights of the Metropolitan Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality shall, after the 31st day of December, 1953, have power to issue debentures.

Uncompleted
works

(4) When an area municipality, prior to the 31st day of December, 1953,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 67 of *The Ontario Municipal Board Act*; and

Rev. Stat.,
c. 262

(b)

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Metropolitan Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Metropolitan Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 196, and no further approval of the Municipal Board shall be required.

(5) Debentures issued by the Metropolitan Corporation shall be deemed to be debentures of a municipal corporation for the purposes of *The Trustee Act*.

Debentures
trustee
investments
Rev. Stat.,
c. 400

194.—(1) Notwithstanding any general or special Act, the Metropolitan Corporation may by by-law incur a debt or issue debentures for the purposes of the Metropolitan Corporation or for the purposes of an area municipality or board of education, without the assent of the electors of the Metropolitan Area.

Assent of
electors, etc.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Metropolitan Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Metropolitan Council has been obtained.

Idem

(3) Nothing in subsection 2 shall require the assent of any electors where such assent has been dispensed with under section 66 of *The Ontario Municipal Board Act*.

Proviso
Rev. Stat.,
c. 262

195.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 67 of *The Ontario Municipal Board Act* on the application of the Metropolitan Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Hearing

(2) Notice of the hearing shall be given to the clerk of the Metropolitan Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Notice

Dispensation
with hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Borrowing
pending
issue and
sale of
debentures

196.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for its purposes, the Metropolitan Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Metropolitan Corporation for the purposes of an area municipality or a board of education, the Metropolitan Council pending the issue and sale of the debentures may, and on the request of the area municipality or board of education shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality or board of education shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality or board of education.

Application
of proceeds
of loan

(3) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality or board of education, the balance, subject to section 207, shall be transferred to the area municipality or board of education.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

(4) Subject to subsection 3, the redemption of a debenture hypothecated shall not prevent the subsequent sale thereof.

Recitals
in money
by-law

197.—(1) A money by-law shall recite,

(a) the amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created;

(b)

- (b) the total amount of the whole rateable property of all the area municipalities according to their last revised assessment rolls;
- (c) the amount of the debenture debt of the Metropolitan Corporation including debenture debt of area municipalities for the repayment of which the Metropolitan Corporation is liable under this Act, and how much, if any, of the principal or interest is in arrear;
- (d) the total amount of the debenture debt of all the area municipalities excluding debenture debt for the repayment of which the Metropolitan Corporation is liable, and how much, if any, of the principal or interest is in arrear;
- (e) the approval of the Department of Health as required by subsection 2 of section 107 of *The Public Health Act*, if the by-law is for raising money for any of the purposes mentioned in section 101 or 106 of that Act; Rev. Stat., c. 306
- (f) the approval of the Municipal Board as required by section 67 of *The Ontario Municipal Board Act*. Rev. Stat., c. 262

(2) The by-law shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each such area municipality shall pay to the Metropolitan Corporation such sums at the times and in the amounts specified in the by-law. Levy on specific area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality, for the same purpose, for the portion of the debt levied against it under subsection 4.

Levies
a debt

(7) All levies imposed by the by-law against an area municipality shall be a debt of the area municipality to the Metropolitan Corporation.

By-law to
change mode
of issuing
debentures

(8) The Metropolitan Council may by by-law authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Metropolitan Council, upon again acquiring them, or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Metropolitan Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years after the passing of the by-law.

Date of
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9.

Extension
of time
for issue

(12) The Municipal Board, on the application of the Metropolitan Council, the council of any area municipality, a board of education or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at

any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set. ^{Application after time expired}

(14) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. ^{Effective date}

(15) Notwithstanding any general or special Act, the Metropolitan Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. ^{Consolidation}

(16) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Metropolitan Corporation on any date prior to maturity subject to the following provisions: ^{Redemption before maturity}

- (a) The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
- (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
- (c) Notice of intention so to redeem shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
- (d) At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the City of Toronto and in such other manner as the by-law may provide.
- (e) Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest

maturity

maturity dates, and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

- (f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council in respect of the debenture so redeemed.

Currency

(17) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

Annual
rates

(18) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Metropolitan Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for the said purposes and as the requirements for such purposes may from year to year vary.

When rate
of interest
may be
varied

198.—(1) If the Municipal Board is of opinion that the current rate of interest so differs from the rate of interest payable on any debentures which remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Metropolitan Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;

(c)

- (c) such other changes in the said by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 196 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Metropolitan Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Metropolitan Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Metropolitan Council. Special assessments and levies

199.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Metropolitan Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

200.—(1) Subject to section 199, after a debt has been contracted under a by-law, the Metropolitan Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Metropolitan Corporation which has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Metropolitan Corporation, by or under the authority of this Act, pays to an area municipality any Application of payments

amount

amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Penalty for neglect of officer to carry out by-law

201. Any officer of the Metropolitan Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Metropolitan Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a penalty of not more than \$100.

Money by-laws to be registered

202.—(1) Within four weeks after the passing of a money by-law, the clerk of the Metropolitan Corporation shall register a duplicate original or a copy of it, certified under his hand and the seal of the Metropolitan Corporation, in the Registry Office for the Registry Division of the City of Toronto.

Penalty

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period, not exceeding twelve months, as the court may direct.

Exception as to certain by-laws
Rev. Stat.,
cc. 246, 215

(3) It shall not be obligatory to register a by-law for the issue of debentures passed for the purposes of *The Municipal Drainage Act* or for the purposes of *The Local Improvement Act*.

Application to quash registered by-law, when to be made
Rev. Stat.,
c. 262

(4) Subject to section 64 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 3 applies, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month, as the case may be.

Time when by-law to be valid and binding

(5) After the expiration of the period prescribed by subsection 4, if no application or action to quash the by-law is

made

made or brought, the by-law shall be valid and binding according to its terms.

(6) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 4, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms. Quashing part of by-law

(7) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 4, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms. Dismissal of application

(8) Nothing in this section shall make valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 194, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 197 have not been substantially complied with. Illegal by-laws not validated

(9) Failure to register a by-law as prescribed by this section shall not invalidate it. Failure to register

203.—(1) Subject to subsection 3, a debenture or other like instrument shall be sealed with the seal of the Metropolitan Corporation, and signed by the chairman of the Metropolitan Council or by some other person authorized by by-law to sign it, and by the treasurer. Debentures, how to be executed

(2) A debenture may have attached to it interest coupons which shall be signed by the treasurer and his signature to them may be written, printed, stamped, lithographed or engraved. Execution of coupons

(3) The signature of the chairman of the Metropolitan Council to all debentures or other like instruments issued by the Metropolitan Corporation may be written, printed, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer, the signature of the treasurer thereon may be printed, stamped, lithographed or engraved. Execution of debentures

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the Metropolitan Corporation at a discount. Full amount of debentures sold at a discount recoverable

Signature to
debentures

(5) Any debenture shall be sufficiently signed if it bears the signatures of persons provided in this section if such persons had authority to sign as provided in this section either on the date the debenture bears or at the time it was issued.

Debentures
on which
payment has
been made
for one year
to be valid

204. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the Metropolitan Corporation, the by-law and the debentures issued under it shall be valid and binding upon the Metropolitan Corporation.

Mode of
transfer
may be pre-
scribed

205.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation, be transferable, except by entry by the treasurer in the Debenture Registry Book of the Corporation at the.....of.....

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
registry
book

(3) After a certificate of ownership has been endorsed, the debenture shall be transferable only by entry by the treasurer in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney.

Replacement
of lost
debentures

206. Where a debenture is defaced, lost or destroyed, the Metropolitan Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Application
of proceeds
of debentures

207.—(1) Money received by the Metropolitan Corporation from the sale or hypothecation of any debentures, including any premium derived therefrom, shall be kept in a

separate

separate account and shall be used only for the purposes for which it was raised and shall not be applied towards payment of the current or other expenditure of the Metropolitan Corporation.

(2) When the amount realized from the debentures is in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied as follows:

Application of surplus funds raised on debentures

- (a) Where the amount is sufficient to redeem one or more debentures of the latest maturity, it shall be applied for that purpose if any such debentures are redeemable.
- (b) Where no such debentures are redeemable or where the amount is not sufficient to redeem a debenture, or where a balance remains after redemption, as required by clause *a*, the amount or the balance, as the case may be, shall be applied on the next annual payment of principal and interest on the debentures, and the next levy made for such purpose shall be reduced accordingly.

(3) Where on the sale of the whole or any part of an issue of debentures a deficit is sustained and the amount of the deficit or any part thereof is required for the purpose or purposes for which the debentures were issued and was not fully estimated and provided for in the amount of debenture issue, the amount of the deficit or the part so required shall be added to the sum to be raised for the first annual payment of principal and interest on the debentures, and the levy made in the first year for such purpose shall be increased accordingly.

Where debentures sold at discount

208. When the Metropolitan Corporation intends to borrow money on debentures under this or any other Act, the Metropolitan Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for debentures

209.—(1) The Metropolitan Council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted, and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it.

Accounts, how to be kept

(2) The Metropolitan Council may by by-law provide and direct that instead of a separate account of the interest

Consolidated interest account

upon

upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

210. If in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

211.—(1) If the Metropolitan Council applies any money raised for a special purpose in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Metropolitan Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Metropolitan Area.

Disqualifi-
cation

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Refinancing
of debentures

212. When, by or under the authority of this Act, the Metropolitan Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Metropolitan Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures which have not been sold and issue new debentures of the Metropolitan Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Metropolitan Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the

area municipality, and issue new debentures of the Metropolitan Corporation to raise the money required to complete such purchase.

213. This Part comes into force on the 1st day of January, Commence-
ment
1954.

PART XV

GENERAL

214.—(1) Section 5, Parts XV, XVI, XVII and XXI Application
of Rev. Stat.,
c. 243 and paragraphs 3, 17 and 18 of section 386 of *The Municipal Act* shall apply *mutatis mutandis* to the Metropolitan Corporation.

(2) Nothing in this Act alters or affects the powers of the Annexations
and amal-
gamations Municipal Board under, and the application of, section 20 of *The Municipal Act*.

(3) The Metropolitan Corporation and each local board Application
of Rev. Stat.,
c. 194 thereof shall be deemed to be a municipality for the purpose of section 78 of *The Labour Relations Act*.

(4) Within each area municipality, the members of the Enforcement
of by-laws police force of such area municipality shall be charged with the same duties with respect to by-laws of the Metropolitan Corporation as with respect to by-laws of the area municipality.

(5) Nothing in this Act alters or affects the powers of The Harbour
commission Toronto Harbour Commissioners.

215.—(1) Where the Metropolitan Council passes a Investiga-
tion by
county judge
of charges of
malfeasance resolution requesting a judge of the county court of the County of York, or a judge of the county court of a county adjoining the County of York, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Metropolitan Council, or an officer or employee of the Metropolitan Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Metropolitan Corporation, or to inquire into or concerning any matter connected with the good government of the Metropolitan Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Metropolitan Corporation, the judge shall make the inquiry and shall for that purpose have all the powers

which

Rev. Stat.,
c. 308

which may be conferred upon commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Metropolitan Council the result of the inquiry and the evidence taken.

Fees payable
to judge

(2) The judge shall be paid by the Metropolitan Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Rev. Stat.,
c. 190

Engaging
counsel

(3) The Metropolitan Council may engage and pay counsel to represent the Metropolitan Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Metropolitan Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Commission
of financial
inquiry

216.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into the financial affairs of the Metropolitan Corporation or a local board thereof, and any matter connected therewith, and the commissioner shall have all the powers of a commissioner under *The Public Inquiries Act*.

When com-
mission may
issue

(2) A commission may be recommended at the instance of the Department, or upon the request in writing of not less than one-third of the members of the Metropolitan Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and forthwith be paid by the Metropolitan Corporation.

Entry on
highways,
etc.

217. The Metropolitan Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

218. The Metropolitan Corporation and any area municipality may enter into agreements for the use within any part of the Metropolitan Area of the services of their respective officers, employees and equipment.

Application
of Rev. Stat.,
c. 24

219. For the purposes of paragraph 9 of section 4 and section 39 of *The Assessment Act*, the Metropolitan Corporation shall be deemed to be a municipality.

220.—(1) An execution against the Metropolitan Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions
against
Metro-
politan Cor-
poration

- (a) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Metropolitan Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
- (b) If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall in like manner as the levies of the Metropolitan Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement which shall be levied against and in each area municipality.
- (c) The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
- (d) The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Metropolitan Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
- (e) If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Municipality of Metropolitan Toronto" (adding a similar column for each execution if more than one), and shall insert therein the

amount

amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

- (f) The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, assess-
sors and
collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Adjustment
of assets,
etc.

221.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality, The Corporation of the County of York or the Metropolitan Corporation, may exercise any of the powers conferred on it by clauses *a* and *d* of subsection 9 of section 20 of *The Municipal Act*.

Rev. Stat.,
c.243

Idem

(2) In addition to its powers under subsection 1, the Municipal Board shall have power to direct the Metropolitan Corporation to pay to The Corporation of the County of York, in a lump sum or in its discretion over a period of years from the 1st day of January, 1954, on a progressively reduced basis, such amount as it deems just and equitable to relieve the County from any undue burden caused by the separation from the County of the municipalities mentioned in section 136.

Conditional
powers

222. The Lieutenant-Governor in Council, upon the recommendation of the Municipal Board, may authorize the Metropolitan Corporation to do all such acts or things not specifically provided for in this Act which are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Effective
dates

223.—(1) Notwithstanding anything in this Act, the Municipal Board may, before the 1st day of January, 1954, determine whether any outstanding debentures of an area municipality were issued in respect of any work or asset to be vested in or assumed by the Metropolitan Corporation on that date.

(2) Notwithstanding the times fixed by this Act for the ^{Idem} coming into force of the various parts and sections thereof, the Metropolitan Corporation and The Metropolitan School Board may employ officers and staff, obtain office accommodation and equipment and do all such other things, before the 1st day of January, 1954, as may be necessary to prepare for and permit the said Corporation and School Board to function for all purposes on the 1st day of January, 1954.

224. The provisions of this Act shall apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail. ^{Conflict with other Acts}

225.—(1) Notwithstanding anything in *The Power Commission Act* or in *The Public Utilities Act* or in any other special or general Act, the whole of the Township of Scarborough, the whole of the Township of North York and the whole of the Township of Etobicoke shall each be deemed to be an area established under subsection 1 of section 66 of *The Power Commission Act*, and The Public Utilities Commission of the Township of Scarborough, The Hydro-Electric Commission of the Township of North York and The Hydro-Electric Commission of the Township of Etobicoke shall each be deemed to have been established for the whole of the said respective areas and the members duly elected. ^{Township areas re hydro Rev. Stat., cc. 281, 320}

(2) If any of the said corporations desire to enter into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy for the use of the municipality and inhabitants thereof, the assent of the municipal electors shall not be necessary. ^{Assent of electors}

(3) Subject to this section and where not inconsistent therewith, Part II of *The Power Commission Act* shall be deemed to apply to each of the said commissions and areas. ^{Application of Rev. Stat., c. 281, Pt. II}

226. The expenditures of the Metropolitan Corporation and The Metropolitan School Board, as approved by the Department, during the year 1953 shall be payable out of such moneys as may be appropriated therefor by the Legislature. ^{1953 expenditures}

227.—(1) This Part, except sections 217, 221 and 225, comes into force on the day this Act receives Royal Assent. ^{Commencement}

(2) Sections 217, 221 and 225 come into force on the 1st day of January, 1954. ^{Idem}

(3) Section 1 comes into force on the day this Act receives Royal Assent. ^{Idem}

228. This Act may be cited as *The Municipality of Metropolitan Toronto Act, 1953*. ^{Short title}

FORM 1

(Section 5 (5))

OATH OF ALLEGIANCE

I, A. B., having been elected (*or* appointed) as chairman of the council of The Municipality of Metropolitan Toronto, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 5 (5))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, A. B., having been elected (*or* appointed) as chairman of the council of The Municipality of Metropolitan Toronto, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Municipality of Metropolitan Toronto or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

CHAPTER 74

An Act respecting the Location, Construction and Operation of Oil Pipe Lines

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means Ontario Municipal Board;
- (b) "oil" means any liquid hydrocarbon;
- (c) "pipe line" or "line" means a pipe line for the transmission of oil that passes under, over or upon any highway, railway, navigable water or utility line, and includes all works connected with a pipe line or appurtenant thereto and any section, part or branch of a pipe line, but does not include gathering lines or other lines within or contiguous to an oil refinery, oil storage depot or pipe line terminal;
- (d) "regulations" means regulations made under this Act;
- (e) "utility line" means a telephone, telegraph, electric power, gas or water line or any other line that supplies a service or commodity to the public, and includes a dike, irrigation ditch and municipal drainage ditch.

2. No person shall commence to construct a pipe line until the Board has by order granted leave to do so, but any person may, before making application for such leave, enter into or upon any land, including Crown land, lying in the route of the proposed line, and make surveys, examinations or other arrangements on the land for fixing the location of the line and set out and ascertain such parts of the land as are necessary for the purposes of the line.

Leave to
construct
required;
preliminary
rights

Application
for per-
mission
to construct
line

3.—(1) Upon an application for an order granting leave to construct a pipe line, the applicant shall file with the Board a map showing the route of the proposed line, its terminals, and all municipalities, highways, railways, navigable waters and utility lines under, over or upon which the line is to pass that are known to the applicant to exist after reasonable efforts have been made to ascertain the same.

Notice of
application

(2) Notice of the application shall be given by publication in newspapers or otherwise as the Board may direct.

Public
hearing

(3) No application shall be granted or refused until the Board has held a public hearing to deal with the matter.

Lines along
highways

(4) The Board shall not grant leave under this section to construct a pipe line along a highway without the approval of the authority having jurisdiction over the highway.

Considera-
tions

(5) The Board may grant or refuse an application and in determining the matter regard shall be had to all considerations that appear to it to be relevant and in particular to the safety of the public and the protection of property, to the objection of any person interested and to any public interest that in the Board's opinion may be affected.

Decision
as to person
interested

(6) The decision of the Board as to whether a person is or is not a person interested within the meaning of this section is binding and conclusive.

Terms and
conditions

(7) Where the Board grants leave to construct a pipe line, it may impose such terms and conditions as it considers proper, and in particular, terms and conditions relating to the safety of the public and the protection of property, and may limit the time within which the construction of the pipe line is to be completed.

Rights upon
leave being
granted

4. Upon the granting of leave to construct a pipe line, the person to whom the leave is granted may acquire by purchase, lease or otherwise, and hold of and from any person any land or other property necessary for the construction, maintenance, operation, repair, replacement, changing the size of or removing the line and may construct, maintain, operate, repair, change the size of or remove its line under, over or upon any such land, and do all such acts as may be necessary in order to exercise the rights conferred by this section.

Right of
entry for
repairs, etc.

5.—(1) Where a person requires at any time to enter,

(a) upon any land for the purposes mentioned in section 2; or

(b)

- (b) upon any land along the route of a line for the purpose of constructing, maintaining, operating, repairing, replacing, changing the size of, or removing the line,

he has the right to do so, and compensation for any damage resulting from the exercise of such right, if not agreed upon, shall be determined in the manner provided in this section.

(2) The Lieutenant-Governor in Council may appoint a ^{Appointment of} judge of a county or district court as arbitrator to determine ^{arbitrator} in a summary manner the amount of such compensation.

(3) The arbitrator may make such rules as to procedure and ^{Procedure; costs;} such orders as to costs and as to the enforcement of his award ^{enforcement} as he deems expedient.

(4) An appeal shall lie to the Board from the award of the ^{Appeal} arbitrator.

(5) Notice of an appeal to the Board under subsection 4 ^{Notice of appeal} shall be sent by registered letter by the party appealing to the secretary of the Board and to the other party within fourteen days after the making of the award.

(6) The hearing of the appeal shall be a hearing *de novo*. ^{Nature of appeal}

6.—(1) Notwithstanding the granting of leave under section 3, no person shall commence to construct the pipe line to which the leave applies under, over or upon any highway, railway, navigable water or utility line until the Board has by order granted leave to do so. ^{Crossings}

(2) Upon an application for such leave, the applicant shall submit to the Board such plans and profiles and other information as the Board may require. ^{Plans, etc., to be submitted to Board}

(3) Subsections 2, 4, 5 and 6 of section 3 apply *mutatis mutandis* to applications and orders under this section. ^{Application of s. 3, subss. 2, 4, 5, 6}

(4) The Board may by order, on such terms and conditions as it considers proper, provide that its leave under this section is not necessary if the pipe line is carried under, over or upon the highway, railway, navigable water or utility line to which the order applies in the manner approved by the Board for crossings of that type. ^{Where Board may permit crossings without leave}

(5) When leave is granted to construct a crossing or an order is made under subsection 4, all crossings to which the leave or order applies may be constructed in accordance ^{Effect of leave}

therewith

therewith without any other leave and notwithstanding any other Act, regulation or by-law, and all the rights that apply upon the granting of leave under section 3 apply thereto.

Simultaneous applications

7. An application under section 6 may be made, heard and disposed of at the same time as or subsequent to an application under section 3 as the Board may direct.

Changes of location and variation of conditions

8.—(1) If after leave to construct a pipe line or crossing has been granted it appears desirable to change its location, whether it is constructed or not, or to vary or rescind any term or condition of the leave, an application for leave to make such change or to vary or rescind such term or condition may be made to the Board, and the Board may grant or refuse the application, and if it grants the application it may impose such terms and conditions as it considers proper.

Board may waive requirements

(2) Applications under subsection 1 shall be made, proceeded with and disposed of in the same manner and with the same effect as applications under section 3 or 6, as the case may be, and all the rights, powers and duties applicable to original applications and hearings apply thereto, but the Board may waive any of the requirements of this Act applicable to original applications and hearings if it considers it proper to do so.

Diversions and relocations

9. The Board may, upon such terms and conditions as it considers proper, direct that a pipe line be diverted or relocated if the Board is of opinion that the diversion or relocation is necessary to facilitate the construction, reconstruction or relocation of any utility line or other work affecting the public interest, in which case all the rights that apply upon the granting of leave under section 3 apply thereto.

Exemptions

10.—(1) The Board may exempt a pipe line or any part thereof from any or all of the provisions of this Act or the regulations.

Terms and conditions

(2) In any order made under this section the Board may impose such terms and conditions as it considers proper.

Rev. Stat., c. 262 to apply

11. *The Ontario Municipal Board Act* applies to proceedings taken before the Board under this Act.

Construction

12. In constructing a pipe line every order of the Board and every regulation that is applicable thereto shall be complied with.

Leave to open

13. No pipe line shall be opened for the transmission of oil until leave therefor has been given by the Board.

14.—(1) In operating a pipe line every regulation that is ^{Operation} applicable thereto shall be complied with.

(2) In order to promote the safe operation of a pipe line, ^{Repairs, etc.} the Board may order it to be inspected, repaired, reconstructed or altered in such manner as it may direct, and the Board may direct that the line is not to be used until it has approved the repairs, reconstruction or alteration.

(3) Any person authorized by the Board to do so may ^{Right to enter premises} enter any premises at any time for the purpose of inspecting a pipe line and may do such acts and things as are necessary to make the inspection.

15. Every person that contravenes any provision of this ^{Offences and} Act or the regulations or any order made under this Act is ^{penalties} guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$1,000.

16.—(1) The Lieutenant-Governor in Council may make ^{Regulations} regulations,

- (a) designating one or more persons in the public service of Ontario to act under the direction of the Board in the carrying out of this Act and the regulations;
- (b) designating classes of pipe lines;
- (c) regulating and governing the specifications, construction, operation, repair, reconstruction or alteration of pipe lines or any aspect thereof;
- (d) providing for inspections of pipe lines and prescribing fees to be paid therefor;
- (e) respecting any matter or thing in connection with pipe lines that may in any way promote the safety of persons or property;
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation may be limited as to time or place of ^{Idem} application, or both.

(3) Any regulation may be made applicable to any class of ^{Idem} pipe line.

17. This Act comes into force on a day to be named by the ^{Commence-ment} Lieutenant-Governor by his Proclamation.

18. This Act may be cited as *The Oil Pipe Lines Act, 1953*. ^{Short title}

CHAPTER 75

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and the amount of any temporary loans raised under this Act at any time outstanding shall not exceed in the whole \$50,000,000. Loans up to \$50,000,000 authorized

2. Any such sum or sums of money may be borrowed for any term or terms not exceeding forty years at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Term and rate

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to any issue of securities authorized under this Act. Sinking fund

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Ontario Loan Act, 1953*. Short title

CHAPTER 76

**An Act respecting the Boundary between the
Provinces of Ontario and Manitoba**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS by the *British North America Act, 1871* it is ^{Preamble} provided that "The Parliament of Canada may from ^{1871, c. 28} time to time, with the consent of the Legislature of any ^(Imp.) Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province"; and whereas the inter-provincial boundary between the Provinces of Ontario and Manitoba has been surveyed and marked on the ground by commissioners duly appointed for that purpose from the twelfth base line of the system of Dominion land surveys to the southern shore of Hudson Bay in accordance with the descriptions contained in the Schedule to the Act of the Imperial Parliament known as the *Canada (Ontario Boundary) Act, 1889* and in the Acts of the Parliament of Canada known ^{1889, c. 28} as *The Manitoba Boundaries Extension Act, 1912* and *An Act* ^(Imp.) ^{1912, c. 32} ^(Can.) ^{1950, c. 16} ^(Can.) *to amend The Manitoba Boundaries Extension Act, 1912, and The Ontario Boundaries Extension Act*; and whereas it is desirable that the boundary so surveyed and marked on the ground and shown on three plans of the Ontario-Manitoba Boundary, namely,

- (a) from Monument No. 220 on the twelfth base line to Monument No. 295 at east end of Island Lake;
- (b) from Monument No. 295 at east end of Island Lake to Monument No. 356; and
- (c) from Monument No. 356 to Monument No. 457A at Hudson Bay,

duly approved by the three commissioners on the 26th day of January, 1953, and of record in the Department of Lands and Forests of the Province of Ontario, be accepted as the true and unalterable boundary between the Provinces of Ontario and Manitoba;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Consent as to
boundary

1. The Legislature of the Province of Ontario hereby consents that the Parliament of Canada may declare that the boundary line surveyed and marked on the ground,

- (a) by the commission appointed in 1929 to delimit the boundary between the Provinces of Ontario and Manitoba from the twelfth base line of the system of Dominion land surveys to the most eastern point of Island Lake, consisting of the Surveyor General of Dominion Lands representing Canada, the Surveyor General of the Department of Lands and Forests, Ontario, representing the Province of Ontario and the Chief Surveyor of The Department of Public Works, Manitoba, representing the Province of Manitoba; and
- (b) by the commission appointed in 1931 to delimit the boundary between the Provinces of Ontario and Manitoba from the most eastern point of Island Lake to the southern shore of Hudson Bay, consisting of the Surveyor General of Dominion Lands, representing Canada, the Surveyor General of the Department of Lands and Forests, Ontario, representing the Province of Ontario, and the Director of Surveys of The Department of Mines and Natural Resources, Manitoba, representing the Province of Manitoba,

and more particularly described in the Schedule to this Act, is the boundary line between the Province of Ontario and the Province of Manitoba from the twelfth base line of the system of Dominion land surveys to the southern shore of Hudson Bay although the limits of the Province may be thereby increased, diminished, or otherwise altered; and thereupon, in so far as the Legislature has power to so enact, the boundary line between the Province of Ontario and the Province of Manitoba from the twelfth base line of the system of Dominion land surveys to the southern shore of Hudson Bay is as shown on three plans of the Ontario-Manitoba Boundary, namely,

- (c) from Monument No. 220 on the twelfth base line to Monument No. 295 at east end of Island Lake;
- (d) from Monument No. 295 at east end of Island Lake to Monument No. 356; and
- (e) from Monument No. 356 to Monument No. 457A at Hudson Bay,

and

and as more particularly described in the Schedule to this Act, duly approved by the three commissioners on the 26th day of January, 1953, and of record in the Department of Lands and Forests of the Province of Ontario.

2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. <sup>Commence-
ment</sup>

3. This Act may be cited as *The Ontario-Manitoba Boundary Line Act, 1953.* ^{Short title}

SCHEDULE

Commencing at a point in the centre of the road allowance on the north side of the twelfth base line of the system of Dominion land surveys, said point being thirty chains and fifty-seven links due north from a concrete monument on said boundary, which said monument is about three feet high above the ground and bearing the following inscriptions: on the east side, "No. 218 ONTARIO", and on the west side, "No. 218 MANITOBA", the said point being marked by a concrete monument about three feet high above the ground and bearing the following inscriptions: on the southeast side, "No. 220 ONTARIO", and on the northwest side, "No. 220 MANITOBA", thence in a right line on an initial azimuth of $44^{\circ} 25' 50''$ along the boundary between the Provinces of Ontario and Manitoba, as marked on the ground by the Commissioners referred to in the Act to which this description is a Schedule, a distance of eighty-seven miles, fifty-five chains and thirty-two and eight-tenths links more or less to the most eastern point of Island Lake, the said point being fixed on the ground in the year 1930 and being marked by a concrete monument bearing the following inscriptions: on the southeast side, "No. 295 ONTARIO", and on the northwest side, "No. 295 MANITOBA" and situated in about North Latitude $53^{\circ} 44' 19''.42$ and in about West Longitude $93^{\circ} 39' 14''.91$; said boundary from the point of commencement to the most eastern point of Island Lake being marked at intervals of approximately one mile in length by special posts and mounds, each post having marked on it the number of the post and the year of survey, and said portion of the boundary being also marked at intervals of approximately six miles in length by concrete monuments bearing brass plates on which are the following inscriptions: on the southeast side, the number of the monument and the word "ONTARIO", and on the northwest side, the number of the monument and the word "MANITOBA"; thence in a right line on an initial azimuth of $38^{\circ} 40' 34''$ along the said boundary a distance of two hundred and eighty-two miles, thirty-three chains and fifty-seven and one-tenth links more or less to the Terminal Point marked by a concrete monument about four feet high above the ground and bearing the following inscriptions: on the southeast side, "No. 457A ONTARIO", and on the northwest side, "No. 457A MANITOBA", the said point being twenty-one and four-tenths feet due west astronomic from the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay, as the latter point was fixed by the Geodetic Survey of Canada in the year 1929; said boundary from the most eastern point of Island Lake to the said Terminal Point being marked at intervals of from one mile to three miles in length by special posts of the same type as the said special post above described, and said portion of the boundary being also marked at intervals of from five miles to twenty-five miles in length by concrete monuments bearing brass plates on which are the following inscriptions: on the southeast side, the number of the monument and the word "ONTARIO", and on the northwest side, the number of the monument and the word "MANITOBA"; and as said boundary is shown on three plans of the Ontario-Manitoba Boundary, namely (1) from monument No. 220 on the twelfth base line to monument No. 295 at east end of Island Lake; (2) from monument No. 295 at east end of Island Lake to monument No. 356; and (3) from monument No. 356 to monument No. 457A at Hudson Bay; duly approved by the three Commissioners on the 26th day of January, 1953, and of record in the Department of Lands and Forests of the Province of Ontario.

CHAPTER 77

An Act to incorporate the Ontario School Trustees' Council

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "board of trustees" means board of education, board of high school trustees, board of public school trustees or board of separate school trustees;
- (b) "Council" means Ontario School Trustees' Council;
- (c) "Department" means Department of Education;
- (d) "Executive" means Executive of the Council;
- (e) "member" means an appointed representative from one of the member associations of the Council;
- (f) "member association" means an association which appoints representatives to the Council;
- (g) "Minister" means Minister of Education.

2. Upon the day that the first representatives appointed by the member associations hold their first meeting, there shall be a council to be known as the Ontario School Trustees' Council, which shall be a corporation. Council established

3.—(1) The Council shall be composed of two representatives appointed to it by each of the following associations, which shall be member associations: Composi-
tion of
Council

- (a) The Associated High School Boards of the Province of Ontario.
- (b) L'Association des Commissaires des Écoles Bilingues d'Ontario.

(c)

(c) The Ontario School Trustees' and Ratepayers' Association.

(d) Ontario Separate School Trustees' Association.

(e) The Public School Trustees' Association of Ontario.

(f) Ontario Urban and Rural School Trustees' Association.

(g) Northern Ontario Public and Secondary School Trustees' Association.

First
appoint-
ments

(2) The first appointments of representatives shall be made by each member association at its first meeting after the day this Act comes into force and in each year thereafter at the first meeting of each association in that year.

Term of
office

(3) The members shall hold office until their successors are appointed.

Objects of
Council

4. The objects of the Council shall be,

(a) to promote and advance the cause of education;

(b) to provide a medium of communicating to the Department and to The Ontario Teachers' Federation the considered views of the member associations on educational and administrative matters within the jurisdiction of school trustees on all matters of mutual concern to the member associations.

Head office

5. The head office of the Council shall be in the City of Toronto.

Officers

6. The officers of the Council shall be a chairman and a vice-chairman, who shall be elected annually from among the members, and a secretary and a treasurer or a secretary-treasurer, who shall be appointed annually by the Council.

Qualification

7. No person shall be appointed as a member unless he is a member of a board of trustees but the secretary, treasurer or secretary-treasurer need not be a member of the Council or a member of a board of trustees.

Executive

8. There shall be an Executive consisting of the immediate past chairman, the chairman, the vice-chairman, and the secretary-treasurer, and such other officers as the Council may from time to time determine.

9. The Executive shall be responsible for carrying on the general business of the Council and may, subject to the approval of the Minister,

Duties of
Executive

- (a) acquire and hold in the name of the Council such real and personal property as may be necessary for the purposes of the Council and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;
- (b) invest the funds of the Council in any securities in which a trustee is authorized to invest money under *The Trustee Act*;
- (c) make such grants as it may deem advisable to organizations having the same or like objects as the Council.

Rev. Stat.,
c. 400

10. Subject to the approval of the Minister, the Council may from time to time pass such by-laws and make such regulations as may be deemed necessary and requisite for carrying out the objects of the Council.

By-laws and
regulations

11. The Council shall have the authority to consider and deal with all matters of mutual concern to the member associations by and with the unanimous consent of the members.

Powers of
Council

12. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment

13. This Act may be cited as *The Ontario School Trustees' Council Act, 1953*.

Short title

CHAPTER 78

The Operating Engineers Act, 1953

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means the board of examiners appointed under this Act; R.S.O. 1950, c. 265, s. 1, cl. (a).
- (b) "brake horse-power" means the effective or useful horse-power developed by a prime-mover or electric motor as measured by a brake applied to the driving shaft;
- (c) "certificate of qualification" means a certificate of qualification issued under this Act;
- (d) "certificate of registration" means a certificate of registration issued under this Act;
- (e) "chief operating engineer" means an operating engineer who is responsible for and supervises the operation of a plant; *New*.
- (f) "chief operator" means an operator who is responsible for and supervises the operation of a compressor or refrigeration plant;
- (g) "compressor plant" means the installation of a compressor or compressors, engines and equipment used in connection therewith, used for compressing air or other non-refrigerant gas where the horse-power rating of the plant exceeds 75 and the safety valves are set to relieve the pressure at more than 15 pounds; R.S.O. 1950, c. 265, s. 1, cl. (b), *amended*.
- (h) "high-pressure stationary steam-plant" means the installation of a boiler or boilers, compressor or compressors, engines and equipment used in con-

nection

nection therewith, where the horse-power rating of the plant exceeds 25 and the safety valves are set to relieve the pressure at more than 15 pounds; R.S.O. 1950, c. 265, s. 1, cl. (k), *amended*.

(i) "hoisting plant" means a hoist equipped with a drum and cable powered by an internal combustion engine or by electric motors used as a unit for raising, lowering or swinging material where the total horse-power of the plant exceeds 25; R.S.O. 1950, c. 265, s. 1, cl. (d), *amended*.

(j) "horse-power of a boiler" means the horse-power as calculated from the following formulas:

(i) one horse-power equals 15 square feet of heating surface in return tubular boilers,

(ii) one horse-power equals 12 square feet of heating surface in internally-fired boilers,

(iii) one horse-power equals 10 square feet of heating surface in water-tube boilers,

(iv) one horse-power equals 10 kilowatts in electric boilers, or

(v) one horse-power equals the evaporation of $34\frac{1}{2}$ pounds of water per hour from and at 212°F. in cylindrical-type steam generators;

(k) "horse-power of an internal combustion engine" means the horse-power as calculated from the following formula:

$$\text{H.P.} = \frac{(\text{diam. of cylinders in inches})^2 \times \text{number of cylinders}}{2.5}$$

(l) "inspector" means an inspector appointed under this Act; R.S.O. 1950, c. 265, s. 1, cls. (e-g), *amended*.

(m) "low-pressure stationary steam-plant" means the installation of a boiler, or boilers, compressor or compressors, engines and equipment used in connection therewith, where the horse-power rating of the plant exceeds 75 and the safety valves are set to relieve the pressure at 15 pounds or less; R.S.O. 1950, c. 265, s. 1, cl. (k), *amended*.

(n) "Minister" means Minister of Labour; R.S.O. 1950, c. 265, s. 1, cl. (h).

(o)

- (o) "operating engineer" or "operator" means a person who is the holder of a certificate of qualification issued under this Act; R.S.O. 1950, c. 265, s. 1, cl. (i), *amended*.
- (p) "owner" means the person, firm, corporation or association for the time being in possession of any plant;
- (q) "plant" means a high-pressure stationary steam-plant, low-pressure stationary steam-plant, steam-engine plant, compressor plant, refrigeration plant, hoisting plant, steam hoisting-plant or traction plant, or any combination thereof;
- (r) "pressure" means pressure in pounds per square inch measured by a pressure gauge;
- (s) "refrigerant" means a substance used to produce refrigeration by its expansion or vaporization;
- (t) "refrigeration plant" means the installation of a compressor or compressors, engines and equipment used in connection therewith, used for compressing any refrigerant where the horse-power rating of the plant exceeds 25 and the safety-valves are set to relieve the pressure at more than 15 pounds;
- (u) "registered horse-power" means the horse-power rating of a plant specified on the certificate of registration issued to the owner of the plant;
- (v) "regulations" means regulations made under this Act;
- (w) "shift engineer" means an operating engineer or operator who has charge of and operates any plant under the direction and supervision of a chief operating engineer;
- (x) "shift operator" means an operator who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operating engineer or chief operator;
- (y) "steam-engine plant" means the engines or turbines operated by steam supplied from a boiler or boilers situated on premises other than the premises on which the engines or turbines are situated;

(z)

- (z) "steam hoisting-plant" means a hoist equipped with a drum and cable powered by a boiler and engine used as a unit for raising, lowering or swinging material; *New.*
- (za) "traction plant" means an automotive air pressure vessel or an automotive steam pressure vessel. R.S.O. 1950, c. 265, s. 1, cl. (l), *amended.*

Exemptions
from Act

2. This Act does not apply,

- (a) to persons working under the personal direction and supervision of an operating engineer or operator;
- (b) to workmen engaged in installing or testing a plant;
- (c) to shaft-hoists used in mining operations;
- (d) to permanently installed elevators or freight conveyances;
- (e) to overhead cranes powered by electric motors and operating on a fixed runway;
- (f) to any high-pressure or low-pressure stationary steam-plant or traction plant while used in farming as distinguished from horticultural operations;
- (g) to any plant subject to inspection by The Board of Transport Commissioners for Canada;
- (h) to any high-pressure stationary steam-plant or refrigeration plant where the horse-power rating of the plant is 25 or less;
- (i) to any low-pressure stationary steam-plant or compressor plant where the horse-power rating of the plant is 75 or less; or
- (j) to any boiler used in connection with an open type hot water heating system. R.S.O. 1950, c. 265, s. 9, *amended.*

Appointment
of board

3.—(1) The Lieutenant-Governor in Council may appoint a board of examiners to be composed of not less than three members and may designate one of them as chairman of the board. R.S.O. 1950, c. 265, s. 2 (1), *amended.*

Duties
of board

(2) It shall be the duty of the board to conduct examinations and to report thereon to the Minister with its recommendations and to administer and enforce this Act. R.S.O. 1950, c. 265, s. 2 (4), *amended.*

4.—(1) The Lieutenant-Governor in Council may appoint ^{Inspectors} inspectors to carry out inspections under this Act. R.S.O. 1950, c. 265, s. 2 (2), *amended*.

(2) Any member of the board, any inspector or any person ^{Inspection} authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1950, c. 265, s. 7 (1), *amended*.

5.—(1) Every owner of a high-pressure stationary steam-^{Registration of plants} plant, low-pressure stationary steam-plant, steam-engine plant, compressor plant or refrigeration plant or any combination thereof shall register the plant with the board on the prescribed form and shall furnish such information as may be required by the board for the purposes of this Act.

(2) Where a high-pressure stationary steam-plant and a ^{Combined plant} refrigeration plant are combined into one plant, the owner may, with the approval of the board, register each plant separately.

(3) The owner of a registered plant shall, within fifteen ^{Change in pressure or horse-power of plant} days of any change in the pressure or horse-power rating of the plant, notify the board of such change. R.S.O. 1950, c. 265, s. 4 (4), *amended*.

(4) When the pressure or horse-power rating of a registered ^{Re-registration} plant is changed sufficiently to change the classification of the plant, the certificate of registration then in force in respect of such plant shall be cancelled and a new one issued in accordance with the new classification of the plant upon payment of the prescribed fee. *New*.

6.—(1) The Minister, on the recommendation of the board ^{Certificate of registration, issue;} and on payment of the prescribed fee, shall issue to the owner of a plant a certification of registration.

(2) Every certificate of registration shall show, ^{contents}

(a) the horse-power rating of the plant;

(b) the pressure at which the safety-valves on boilers are set to relieve the pressure; and

(c) the class of operating engineer or operator required as chief operating engineer or chief operator, shift engineer or shift operator and assistant shift engineer. R.S.O. 1950, c. 265, s. 4 (1), *amended*.

Display of
certificate

7. Every certificate of registration shall be displayed in a conspicuous manner in the engine room, compressor room or boiler room of the registered plant. R.S.O. 1950, c. 265, s. 6 (2), *amended*.

Information
as to
engines and
motors in
a hoisting
plant

8. Every owner of an internal combustion engine or an electric motor, used in a hoisting plant, shall furnish the board with such information as the board may require for the purposes of this Act. R.S.O. 1950, c. 265, s. 4 (5), *amended*.

Computation
of horse-
power rating

9.—(1) The horse-power rating,

- (a) of a high-pressure stationary steam-plant is the sum of the horse-power of the boilers installed, the brake horse-power rating of the motive power driving the compressors other than air and one-half of the brake horse-power rating of the motive power driving the air-compressors;
- (b) of a low-pressure stationary steam-plant is the sum of the horse-power of the boilers installed, the brake horse-power rating of the motive power driving the compressors other than air and one-half of the brake horse-power rating of the motive power driving the air-compressors;
- (c) of a combined high-pressure and low-pressure stationary steam-plant is the horse-power determined by the board in each case;
- (d) of a refrigeration plant in which the motive power is other than steam and no boiler is installed is the brake horse-power rating of the motive power driving the compressor or compressors;
- (e) of a compressor plant in which the motive power is other than steam and no boiler is installed is the brake horse-power rating of the motive power driving the compressor or compressors;
- (f) of a steam-engine plant is the combined brake horse-power rating of the engines and turbines at full load.

Certain
horse-
power not
included

(2) For the purpose of computing the horse-power rating under subsection 1, the horse-power of steam-driven compressors and steam-driven engines or turbines shall not be included except where steam is supplied to drive the compressors, generators, engines or turbines from a plant other than the registered plant in which the compressors, generators, engines or turbines are situated. *New*.

10.—(1) Operating engineers shall be classified as follows: Classification of operating engineers

1. Stationary engineer (fourth, third, second or first class).
2. Provisional stationary engineer (fourth, third or second class).
3. Hoisting engineer.
4. Hoisting engineer (electrical and internal combustion).
5. Traction engineer.
6. Hoisting and traction engineer.

(2) Operators shall be classified as follows:

Classification of operators

1. Compressor operator.
2. Refrigeration operator. *New.*

11.—(1) A stationary engineer (fourth class) holding a stationary engineer (fourth class) certificate is qualified to, Work and duties that operating engineers and operators are qualified to perform

(a) act as chief operating engineer in,

- (i) a high-pressure stationary steam-plant not exceeding 75 registered horse-power,
- (ii) a low-pressure stationary steam-plant not exceeding 200 registered horse-power; or

(b) act as shift engineer in,

- (i) a high-pressure stationary steam-plant not exceeding 200 registered horse-power,
- (ii) a low-pressure stationary steam-plant not exceeding 600 registered horse-power,
- (iii) a compressor or refrigeration plant not exceeding 400 registered horse-power; or

(c) act as assistant shift engineer in,

- (i) a high-pressure stationary steam-plant not exceeding 600 registered horse-power,
- (ii) a low-pressure stationary steam-plant, compressor or refrigeration plant of unlimited registered horse-power.

(2) A stationary engineer (third class) holding a stationary engineer (third class) certificate is qualified to, Idem

(a)

- (a) act as chief operating engineer in,
 - (i) a high-pressure stationary steam-plant not exceeding 200 registered horse-power,
 - (ii) a low-pressure stationary steam-plant not exceeding 600 registered horse-power,
 - (iii) a compressor or refrigeration plant not exceeding 400 registered horse-power; or
- (b) act as shift engineer in,
 - (i) a high-pressure stationary steam-plant not exceeding 600 registered horse-power,
 - (ii) a low-pressure stationary steam-plant, compressor or refrigeration plant of unlimited registered horse-power; or
- (c) act as assistant shift engineer in any plant of unlimited registered horse-power.

Idem

(3) A stationary engineer (second class) holding a stationary engineer (second class) certificate is qualified to,

- (a) act as chief operating engineer in,
 - (i) a high-pressure stationary steam-plant not exceeding 600 registered horse-power,
 - (ii) a low-pressure stationary steam-plant, compressor or refrigeration plant of unlimited registered horse-power; or
- (b) act as shift engineer in any plant of unlimited registered horse-power.

Idem

(4) A stationary engineer (first class) holding a stationary engineer (first class) certificate is qualified to act as chief operating engineer in any plant of unlimited registered horse-power.

Idem

(5) A provisional stationary engineer (fourth, third or second class) holding a provisional stationary engineer (fourth, third or second class) certificate is qualified to perform the same work and duties as a stationary engineer (fourth, third or second class), as the case may be.

Idem

(6) A compressor operator holding a compressor operator certificate is qualified to,

(a)

- (a) act as chief operator in a compressor plant not exceeding 400 registered horse-power;
- (b) act as shift operator in a compressor plant of unlimited registered horse-power; or
- (c) operate any portable compressor plant.

(7) A refrigeration operator holding a refrigeration operator *Idem* certificate is qualified to,

- (a) act as chief operator in a refrigeration plant not exceeding 400 registered horse-power; or
- (b) act as shift operator in a refrigeration plant of unlimited registered horse-power.

(8) A hoisting engineer holding a hoisting engineer certificate is qualified to operate a steam hoisting-plant, hoisting plant or portable compressor plant.

(9) A hoisting engineer (electrical and internal combustion) holding a hoisting engineer (electrical and internal combustion) certificate is qualified to operate a hoisting plant or portable compressor plant.

(10) A traction engineer holding a traction engineer certificate is qualified to operate a traction plant or portable compressor plant.

(11) A hoisting and traction engineer holding a hoisting and traction engineer certificate is qualified to operate a steam hoisting-plant, hoisting plant, traction plant or portable compressor plant. R.S.O. 1950, c. 265, s. 3, cl. (b), *amended*.

(12) A stationary engineer (fourth, third, second or first class), hoisting engineer, traction engineer or hoisting and traction engineer is qualified to operate a portable boiler used in connection with a concrete mixer, drill, pump, stone crusher, portable saw mill, temporary heating plant or temporary asphalt plant.

12.—(1) A high-pressure stationary steam-plant having a registered horse-power of more than 25 but not more than 75 requires a stationary engineer (fourth class) or better as chief operating engineer and as shift engineer. Class of operating engineer and operator required in plants

(2) A high-pressure stationary steam-plant having a registered horse-power of more than 75 but not more than

200 requires a stationary engineer (third class) or better as chief operating engineer and a stationary engineer (fourth class) or better as shift engineer.

Idem

(3) A high-pressure stationary steam-plant having a registered horse-power of more than 200 but not more than 600 requires a stationary engineer (second class) or better as chief operating engineer and a stationary engineer (third class) or better as shift engineer.

Idem

(4) A high-pressure stationary steam-plant having a registered horse-power of more than 600 requires a stationary engineer (first class) as chief operating engineer and a stationary engineer (second class) or better as shift engineer.

Idem

(5) Where a high-pressure stationary steam-plant and a refrigeration plant are combined into one plant but registered separately, each plant requires a stationary engineer (first class) as chief operating engineer and a stationary engineer (second class) or better as shift engineer.

Idem

(6) A low-pressure stationary steam-plant having a registered horse-power of more than 75 but not more than 200 requires a stationary engineer (fourth class) or better as chief operating engineer and as shift engineer.

Idem

(7) A low-pressure stationary steam-plant having a registered horse-power of more than 200 but not more than 600 requires a stationary engineer (third class) or better as chief operating engineer and a stationary engineer (fourth class) or better as shift engineer.

Idem

(8) A low-pressure stationary steam-plant having a registered horse-power of more than 600 requires a stationary engineer (second class) or better as chief operating engineer and a stationary engineer (third class) or better as shift engineer.

Idem

(9) A refrigeration plant having a registered horse-power of more than 25 but not more than 400 requires a refrigeration operator or a stationary engineer (third class) or better as chief operator or chief operating engineer and a refrigeration operator or stationary engineer (fourth class) or better as shift operator or shift engineer.

Idem

(10) A refrigeration plant having a registered horse-power of more than 400 requires a stationary engineer (second class) or better as chief operating engineer and a refrigeration operator or a stationary engineer (third class) or better as shift operator or shift engineer.

(11) A compressor plant, except a portable compressor plant, ^{Idem} having a registered horse-power of more than 75 but not more than 400 requires a compressor operator or a stationary engineer (third class) or better as chief operator or chief operating engineer and a compressor operator or a stationary engineer (fourth class) or better as shift operator or shift engineer.

(12) A compressor plant, except a portable compressor plant, ^{Idem} having a registered horse-power of more than 400 requires a stationary engineer (second class) or better as chief operating engineer and a compressor operator or a stationary engineer (third class) or better as shift operator or shift engineer.

(13) A portable compressor plant requires a compressor ^{Idem} operator, hoisting engineer, hoisting engineer (electrical and internal combustion), traction engineer or hoisting and traction engineer.

(14) A steam hoisting-plant requires a hoisting engineer ^{Idem} or a hoisting and traction engineer.

(15) A hoisting plant having a power unit of more than ^{Idem} 25 horse-power requires a hoisting engineer, a hoisting engineer (electrical and internal combustion) or a hoisting and traction engineer.

(16) A traction plant requires a traction engineer or a ^{Idem} hoisting and traction engineer. *New.*

13. When an operating engineer is absent from a plant ^{Absence due to sickness or holidays} due to sickness or holidays, an operating engineer holding a certificate one class lower may take charge and operate the plant for a period not exceeding thirty days in any one year or for such further period as the board may authorize. *New.*

14. When the chief operating engineer or shift engineer of ^{Absence of chief or shift engineer from boiler room, etc., of plant 200 H.P. or less} a plant having a registered horse-power of 200 or less is absent from the engine room, compressor room or boiler room on matters pertaining to the plant for a period exceeding fifteen minutes, a stationary engineer (fourth class) or better shall be present and in charge of all boilers, compressors and engines. *New.*

15. When the chief operating engineer or shift engineer ^{Absence of chief or shift engineer from boiler room, etc., of plant over 200 H.P.} of a plant having a registered horse-power of more than 200 is absent from the engine room, compressor room or boiler room on matters pertaining to the plant, he shall arrange for a person holding a certificate not less than one class

lower than that required to operate the plant as shift engineer to be present and in charge of all boilers, compressors and engines. *New.*

Operation
prohibited
by other
than
operating
engineer or
operator

16. No person other than an operating engineer shall perform the work and duties of an operating engineer and no person other than an operating engineer or an operator shall perform the work and duties of an operator. R.S.O. 1950, c. 265, s. 8 (1, 2), *amended.*

Prohibition
to perform
duties other
than
authorized

17. Subject to sections 13, 14 and 15, no operating engineer or operator shall perform any work or duties that he is not qualified to perform under section 11. R.S.O. 1950, c. 265, s. 8 (3), *amended.*

Employment
of
unqualified
person

18. No person shall employ,

- (a) any person who is not an operating engineer to perform the work and duties of an operating engineer; or
- (b) any person who is not an operating engineer or an operator to perform the work and duties of an operator; or
- (c) any operating engineer or operator to perform any work or duties that he is not qualified to perform under section 11. R.S.O. 1950, c. 265, s. 8 (5), *amended.*

Prohibition
to operate
plant
without
certificate

19. No person shall perform the work and duties of an operating engineer or operator unless he is the holder of a certificate of qualification then in force. R.S.O. 1950, c. 265, s. 8 (4), *amended.*

Examination

20.—(1) Subject to the regulations and to subsection 2, every applicant for a certificate of qualification shall pass such examinations as the board may require.

Recom-
mendation
without
examination

(2) The board may recommend that a provisional certificate of qualification be issued without examination to any person who in the opinion of the board holds a current certificate of an equivalent rating of a stationary engineer (fourth, third or second class) issued by the properly constituted authority in any other province in Canada.

Provisional
certificate

(3) Every provisional certificate issued under subsection 2 shall be one grade lower than a stationary engineer (third, second or first class) certificate of equivalent rating to the certificate held by such person. *New.*

21. On the recommendation of the board and on payment of the prescribed fee, the Minister shall issue a certificate of qualification for any classification of operating engineer or operator to any British subject, or to any person who has lived in Canada for one year or longer and has filed a declaration of his intention to become a Canadian citizen under *The Canadian Citizenship Act*. R.S.O. 1950, c. 265, s. 4 (1), amended. ^{Issue of certificates of qualification 1946, c. 15 (Can.)}

22. Where a certificate of qualification has been lost or destroyed, the Minister, on the recommendation of the board and on payment of the prescribed fee, shall issue a duplicate certificate of qualification. *New.* ^{Duplicates}

23. The Minister may cancel or suspend a certificate of qualification if the operating engineer or operator, ^{Cancellation and suspension}

- (a) is habitually intemperate or addicted to the use of drugs;
- (b) operates a plant while in an intemperate condition;
- (c) becomes mentally incompetent or physically incapacitated;
- (d) is incompetent or negligent in the discharge of his duties;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to secure a certificate by false means for another person;
- (i) absents himself from the plant without being relieved of his duties by the proper person or without the consent of his chief operating engineer or chief operator or shift engineer;
- (j) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;
- (k) signs an application form of a candidate for examination without personally knowing that the written statement of engineering experience is true; or

(l)

- (l) contravenes or fails to comply with any of the provisions of this Act or the regulations. R.S.O. 1950, c. 265, s. 4 (3), *amended*.

Term of
certificate
of
qualification

24.—(1) Subject to section 25, every certificate of qualification remains in force during the year ending the 31st day of December in which it is issued and until the date of renewal prescribed in subsection 2.

Renewal

(2) Every operating engineer and operator shall pay the annual fee prescribed by the regulations on or before the first Monday of February in each year and upon payment thereof the Minister shall issue a renewal of a certificate of qualification.

Reinstatement

(3) No renewal certificate shall be issued,

(a) where the fee for the previous year has not been paid, until the reinstatement fee prescribed by the regulations has been paid; or

(b) where the annual fee has not been paid for five consecutive years. *New*.

Provisional
certificate

25. Every provisional certificate of qualification remains in force for one year from the date of issue unless sooner suspended or cancelled and is not renewable. *New*.

Increase
in horse-
power of
plant

26. Where the horse-power rating of a plant is increased to the extent that an operating engineer or operator of the plant would be operating a plant that he is not qualified to operate and if the operating engineer or operator has been operating the plant for three consecutive years immediately before the increase, he may continue to operate the plant but shall present himself for examination within six months after the increase takes place. *New*.

Certificates
to be
displayed

27. Every certificate of qualification shall at all times be displayed in a conspicuous manner in the engine room, compressor room or boiler room of the plant in which the holder thereof is employed, except in the case of a steam hoisting-plant, hoisting plant or traction plant, in which case the certificate shall be carried upon the person of the operator. R.S.O. 1950, c. 265, s. 6 (1), *amended*.

Absence of
operating
engineer or
operator
from duties

28. If an operating engineer or operator is unable to attend to his duties or intends to be absent for any reason, he shall make every reasonable effort to so notify his chief operating engineer or chief operator or shift engineer before absenting himself from his duties. R.S.O. 1950, c. 265, s. 8 (6), *amended*.

29.—(1) Any person who deems himself aggrieved by a ^{Appeal} decision of the board may, within ten days after receipt of notice in writing of the decision, appeal in writing to the Minister who shall, upon notice to all interested parties, hear the appeal and approve, disapprove or vary the decision appealed against.

(2) The making of an appeal under this section does not ^{Idem} affect the suspension or cancellation of a certificate of qualification pending the disposition of the appeal by the Minister.

30. Every person who contravenes or fails to comply ^{Penalty} with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$25 and not more than \$100. R.S.O. 1950, c. 265, ss. 7 (2), 10, *amended*.

31. The Lieutenant-Governor in Council may make ^{Regulations} regulations,

- (a) prescribing the qualifications of persons who may be appointed members of the board;
- (b) prescribing the qualifications of persons who may be appointed inspectors;
- (c) prescribing the qualifications of applicants for certificates of qualification and the evidence required to be furnished by applicants as to previous training and experience;
- (d) prescribing the duties and responsibilities of the chief operating engineer, chief operator, shift engineer or shift operator;
- (e) prescribing the conditions under which an applicant for a certificate of qualification who has failed to pass the examinations required by the board may again try such examinations;
- (f) prescribing the fees to be paid on examination and re-examination by applicants for certificates of qualification;

(g)

- (g) prescribing the fees to be paid on the issue of certificates of registration;
- (h) providing for the issue and renewal of certificates of qualification and duplicates thereof and prescribing the fees therefor;
- (i) providing for the issue of provisional certificates of qualification and duplicates thereof and prescribing the fees therefor;
- (j) prescribing the reinstatement fees to be paid under clause *a* of subsection 3 of section 24;
- (k) prescribing forms for use under this Act;
- (l) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 265, s. 3, cls. (*a, c-f*), *amended*.

Application
of fees and
penalties

32. All fees collected under this Act and all penalties recovered for offences against this Act or the regulations shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 265, s. 11, *amended*.

Rev. Stat.,
c. 265,
repealed

33. *The Operating Engineers Act* is repealed.

Commence-
ment

34. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

35. This Act may be cited as *The Operating Engineers Act, 1953*.

CHAPTER 79

The Pharmacy Act, 1953

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpreta-
tion

- (a) "College" means The Ontario College of Pharmacy;
- (b) "Council" means the Council of The Ontario College of Pharmacy;
- (c) "dentist" means a person legally qualified and entitled to practise the profession of dentistry in Ontario;
- (d) "drug" means any substance,

- (i) that is named in the latest edition from time to time of the British Pharmacopoeia, British Pharmaceutical Codex, Pharmacopoeia of the United States of America, National Formulary, New and Nonofficial Remedies, Canadian Formulary, Codex Francais and Pharmacopoea Internationalis, and any preparation containing any such substance, and

- (ii) that is offered for sale or sold for the prevention or treatment of any ailment, disease or physical disorder,

but does not include any such substance or preparation offered for sale or sold as, or as part of, a food, drink or cosmetic or for any purpose other than the prevention or treatment of any ailment, disease or physical disorder;

- (e) "Minister" means Minister of Health;
- (f) "pharmaceutical chemist" means a member of the College registered under this Act;

(g)

- (g) "pharmacy" means a shop operated for the purpose of,
- (i) selling by retail poisons or drugs, or
 - (ii) compounding and dispensing prescriptions of legally qualified medical practitioners, dentists and veterinary surgeons;
- (h) "poison" means,
- (i) any substance referred to in Schedule A,
 - (ii) any preparation referred to in Schedule A, or
 - (iii) where no preparation is referred to in Schedule A in respect of any substance in the Schedule, any preparation containing such substance;
- (i) "prescription" means a direction from a legally qualified medical practitioner, dentist or veterinary surgeon directing the dispensing of any drug or mixture of drugs to a named person;
- (j) "registrar" means the registrar appointed by the Council under this Act;
- (k) "regulations" means regulations made under this Act;
- (l) "veterinary surgeon" means a person who holds a certificate entitling him to practise veterinary science under *The Veterinary Science Practice Act. New*.

Rev. Stat.,
c. 409

Exemptions

2. Nothing in this Act,

- (a) prevents or interferes with the sale or distribution of drugs to owners of animals or birds under any Act of the Parliament of Canada;
- (b) prevents a person from selling or affects or interferes with the sale by any person of,
 - (i) any medicine registered under the *Proprietary or Patent Medicine Act* (Canada),
 - (ii) any substance registered under *The Pest Control Products Act* (Canada) and sold in accordance with the provisions thereof,
 - (iii) any feeding stuffs registered under *The Feeding Stuffs Act, 1937* (Canada); R.S.O. 1950, c. 276, s. 44, *amended*.
- (c) affects or interferes with the rights or privileges conferred upon a legally qualified medical practitioner by *The Medical Act*; R.S.O. 1950, c. 276, s. 42, *part*.

R.S.C. 1927,
c. 151

R.S.C. 1927,
c. 5

1937, c. 30
(Can.)

Rev. Stat.,
c. 228

(d)

- (d) affects or interferes with the rights or privileges conferred upon a chiroprapist by *The Chiroprapist Act*, ^{Rev. Stat., c. 54}
- (e) prevents any person from selling any poison or drug to a legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist;
- (f) prevents a legally qualified medical practitioner, dentist or veterinary surgeon from compounding, dispensing, selling or supplying such drugs as he may prescribe in the course of the practice of his profession;
- (g) prevents a legally qualified medical practitioner, dentist or veterinary surgeon from supplying such drugs as he may prescribe in the course of the practice of his profession;
- (h) interferes with the business of wholesale dealers in supplying poisons to persons entitled to sell them by retail, provided the containers in which they are supplied are marked or labelled in accordance with section 39;
- (i) interferes with the business of wholesale dealers in supplying poisons in the course of such wholesale business to any person for any purpose other than for sale by retail; R.S.O. 1950, c. 276, s. 43, *amended*.
- (j) affects or interferes with the compounding, dispensing or supplying of poisons or drugs in any hospital or institution approved or licensed under any general or special Act;
- (k) prevents a person from selling or affects or interferes with the sale by any person of any article or substance referred to in Schedule B. *New*.

PART I

THE ONTARIO COLLEGE OF PHARMACY

3. The Ontario College of Pharmacy is continued under ^{College} that name as a body corporate and for the purposes of the College may purchase, acquire, hold, mortgage, lease and dispose of real and personal property. R.S.O. 1950, c. 276, s. 1, *amended*.

4.—(1) There shall continue to be a Council of the College ^{Council} the members of which shall be elected from among members of the College registered under this Act. *New*.

(2) Each member of the Council shall hold office for a period ^{Term of office} of two years commencing on the first Monday in November next following his election. R.S.O. 1950, c. 276, s. 3 (1), *amended*.

Present
Council
continued

5.—(1) The members of the Council holding office on the day this Act comes into force shall continue in office until their successors are elected. *New.*

Electoral
divisions

(2) Such Council shall by by-law divide Ontario into not less than thirteen and not more than fifteen electoral divisions and shall fix the boundaries of such divisions. R.S.O. 1950, c. 276, s. 4 (1), *amended.*

Re-division

6.—(1) The Council may by by-law re-divide Ontario into not less than thirteen and not more than fifteen electoral divisions or may re-arrange the boundaries of the electoral divisions.

Restriction
on number
of by-laws

(2) Not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of ten years. R.S.O. 1950, c. 276, s. 4 (2), *amended.*

Election
of members
of Council

7.—(1) An election of members of the Council shall be held on the first Wednesday in August in every second year following the last preceding election and one member of the Council shall be elected from each electoral division from among those entitled to vote. R.S.O. 1950, c. 276, s. 6 (1), *amended.*

Members
entitled
to vote

(2) Every member of the College registered under this Act who is not in default in payment of any fees payable by him under this Act,

(a) may vote in the electoral division in which his place of business or employment is located; or

(b) if he carries on business or is employed in more than one electoral division, shall name one of such divisions as his principal place of business or employment and may vote in that division only; or

(c) if he has no fixed place of business or employment within Ontario, may vote in the electoral division in which he resides. 1952, c. 74, s. 1, *amended.*

Election of
president
and vice-
president

8. The Council, at its first meeting, shall elect a president and vice-president from among its members. R.S.O. 1950, c. 276, s. 8, *part, amended.*

Registrar

9. The Council shall appoint a registrar who shall hold office during the pleasure of the Council and shall receive such remuneration as the Council may determine. R.S.O. 1950, c. 276, s. 8, *part, amended.*

Meetings of
Council

10. The Council shall hold at least two meetings for the transaction of general business in every year at such times and at such places as it may from time to time by resolution determine. R.S.O. 1950, c. 276, s. 9 (1), *amended.*

11. If a member of the Council ceases to be qualified to vote in the electoral division for which he was elected, he shall cease to be a member of the Council. *New.* Vacancy on Council

12. A member of the Council may at any time, by giving notice in writing to the registrar, resign his office, and in case of a vacancy occurring through resignation or otherwise, Filling vacancy on Council

(a) if the vacancy occurs more than six months before the date a general election is required to be held, an election shall be held within one month of the occurrence of the vacancy in the electoral division in which the vacancy occurred; or

(b) if the vacancy occurs less than six months before the date a general election is required to be held, the Council, at its next regular meeting after the vacancy occurs, shall appoint a member of the College qualified to vote in the electoral division in which the vacancy occurred to fill the vacancy for the balance of the term. R.S.O. 1950, c. 276, s. 7, *amended.*

13. The Council shall have sole control and management of the real and personal property of the College. R.S.O. 1950, c. 276, s. 3 (2), *amended.* Power of Council as to property of College

14. The Council may establish, maintain and operate a school for the education of students of pharmacy and appoint such teachers, examiners, inspectors and such other officers and employees as the Council considers necessary. R.S.O. 1950, c. 276, s. 10, *amended.* Operation of school

15. The Council may make grants out of College funds to the Canadian Pharmaceutical Association or to any other association that in the opinion of the Council promotes the interests of pharmacy or of those engaged in the practice thereof and may appoint from time to time representatives to attend meetings of any such association and may pay the expenses of such representatives out of College funds. R.S.O. 1950, c. 276, s. 11 (3), *amended.* Grants by Council

16. The Council may elect as honorary members of the College such persons as they may deem eminent for scientific attainments but no such honorary member shall as such be entitled to vote at elections or to operate a pharmacy. R.S.O. 1950, c. 276, s. 45, *amended.* Honorary membership

17. The Council may pass by-laws or amendments to existing by-laws, By-laws

(a)

- (a) providing for the discipline, suspension or expulsion for cause of students at any school operated by the Council;
- (b) providing for the remuneration and expenses of members of the Council or of persons employed by the Council while engaged upon the business of the College; R.S.O. 1950, c. 276, s. 11 (1, 2), *amended*.
- (c) regulating the calling and conduct of its meetings and proceedings; R.S.O. 1950, c. 276, s. 9 (2), *amended*.
- (d) providing for the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Council may employ and prescribing the duties of such persons; R.S.O. 1950, c. 276, ss. 8, 10 (1), *amended*.
- (e) providing for the holding of elections of members of the Council including the nominations of candidates, the notice of elections, the taking of the vote and a casting vote in case of an equality of votes; R.S.O. 1950, c. 276, s. 6 (2), *amended*.
- (f) fixing the date for payment of any annual fee required to be paid under this Act; 1952, c. 74, s. 3, *part, amended*.
- (g) providing for the appointment of a discipline committee composed of not less than seven members of the Council and such other committees as the Council may deem necessary. *New*.

Registration
as phar-
maceutical
chemist

18. Every applicant for registration as a pharmaceutical chemist,

- (a) who,
 - (i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto or such other degree by such university or institution of learning as the regulations may prescribe, or
 - (ii) has completed such course of study and has passed such examinations as the regulations may prescribe; and
- (b) who has served as an apprentice for such term and in accordance with such conditions as the regulations may prescribe; and

(c)

- (c) who has paid the fees for registration prescribed by the regulations,

shall be registered as a pharmaceutical chemist and shall become a member of the College. R.S.O. 1950, c. 276, s. 16, *amended*.

19.—(1) The registrar shall keep,

Registers
to be kept

- (a) a register of all persons registered under this Act as pharmaceutical chemists showing their places of business or employment from time to time; and
- (b) a register of all persons registered under this Act as apprentices showing the name and business address of the pharmaceutical chemist to whom each is apprenticed. R.S.O. 1950, c. 276, s. 15, *amended*.

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the proper register.

(3) If an application for registration is refused by the registrar or an entry made in a register in error or by reason of misrepresentation, the Council may direct that any necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment. R.S.O. 1950, c. 276, s. 19, *part, amended*.

20.—(1) There shall be payable to the registrar for the use of the College on such date in each year as may be fixed by by-law such annual fees as the regulations may prescribe,

- (a) by every pharmaceutical chemist;
- (b) in addition to the fee paid under clause *a*, by every pharmaceutical chemist who is owner or manager of a pharmacy;
- (c) in addition to the fees paid under clauses *a* and *b*, by every pharmaceutical chemist who is a director of a corporation operating a pharmacy; and
- (d) by every person or corporation operating more than one pharmacy for each additional pharmacy. 1952, c. 74, s. 3, *part, amended*.

(2) Every person or corporation upon payment of any of the fees referred to in subsection 1 shall be entitled to receive a certificate of payment in such form as the Council may prescribe. R.S.O. 1950, c. 276, s. 21 (2), *amended*.

Certificate
of payment

Person in
default in
payment of
fees

(3) No person who is in default in payment of any fee payable by him under this section shall be entitled to exercise any of the rights or privileges of a pharmaceutical chemist. R.S.O. 1950, c. 276, s. 22, *part, amended*.

Certificate
of registra-
tion

21.—(1) Every person when his name is entered in the register as a pharmaceutical chemist shall be entitled to receive a certificate of registration which shall be valid until the date fixed for the payment of the annual fee.

Annual

(2) Every pharmaceutical chemist upon payment of the annual fee prescribed by the regulations under clause *a* of subsection 1 of section 20 shall be entitled to a renewal of a certificate of registration which shall be valid for one year from the date fixed for payment of the annual fee.

Form

(3) A certificate of registration and a renewal thereof shall be under the seal of the College in such form as the Council may prescribe, and shall be *prima facie* evidence of registration under this Act. R.S.O. 1950, c. 276, s. 20, *amended*.

Display

(4) Every pharmaceutical chemist shall display his certificate of registration and any renewal thereof in a conspicuous position in his pharmacy or in the pharmacy in which he is employed. R.S.O. 1950, c. 276, s. 24, *amended*.

Evidence of
registration

22. A statement under the hand of the registrar and seal of the College to the effect that any person is or is not registered under this Act as a pharmaceutical chemist or apprentice is *prima facie* evidence of such fact and every statement purporting to be signed by any person in the capacity of registrar is *prima facie* evidence that such person is the registrar without proof of his signature. *New*.

Regulations

23. The Council, with the approval of the Lieutenant-Governor in Council, may make regulations,

- (a) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (b) providing for the registration of apprentices and prescribing the fees therefor;
- (c) prescribing the qualifications of, and the courses of studies to be completed by, candidates for registration as pharmaceutical chemists under this Act;
- (d) designating the universities or other institutions of learning at which the courses of studies may be undertaken and degrees may be obtained under this Act;
- (e) prescribing the examinations to be passed and the degrees to be obtained by candidates for registration

as pharmaceutical chemists; R.S.O. 1950, c. 276, s. 17.

- (f) providing for the approval by the Council of persons who may be registered as pharmaceutical chemists without examination and prescribing the qualifications of such persons; R.S.O. 1950, c. 276, s. 18, *amended*.
- (g) prescribing the fees to be paid by applicants for registration as pharmaceutical chemists and by other persons referred to in section 20. 1952, c. 74, s. 3, *part, amended*.

24.—(1) Every person who proposes to open a new pharmacy or who acquires an existing pharmacy shall, within the time prescribed by subsection 2, furnish the registrar with a signed statement showing,

- (a) his full name;
- (b) his place of residence;
- (c) the location of his place of business;
- (d) the date he proposes to commence business or, if he has acquired an existing pharmacy, the date that he acquired the pharmacy.

(2) If such person proposes to open a new pharmacy he shall furnish the information required by subsection 1 not less than thirty days before he opens such pharmacy and if he proposes to operate an existing pharmacy he shall furnish such information before he operates the pharmacy. *New.*

25. Every corporation operating a pharmacy shall,

- (a) before commencing business notify the registrar of the names and addresses of the directors and shareholders of the corporation and the number of shares held by each; and
- (b) when requested by the registrar by registered letter, notify the registrar within seven days of the receipt of such request of the names and addresses of the directors and shareholders, and the number of shares held by each as of the date the request was received.

R.S.O. 1950, c. 276, s. 31, *amended*.

26. The owner of every pharmacy shall, on or before the 10th day of January in each year, notify the registrar of the name of the manager of each pharmacy owned by him and of the pharmaceutical chemists and registered apprentices employed therein, and shall notify the registrar of any change in the management, or in the pharmaceutical chemists or apprentices employed, within five days of such change. *New.*

Cancellation
of registra-
tion by
Council or
discipline
committee

27.—(1) The Council or the discipline committee appointed under a by-law passed by the Council may direct that the registration of any person be cancelled,

(a) if such person has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or

(b) if such person has been declared to be mentally incompetent under *The Mental Incompetency Act* or has been certified or found to be mentally ill under *The Mental Hospitals Act*; or

Rev. Stat.,
cc. 230, 229

(c) if it finds that such person has been guilty of negligence, incompetency or improper conduct in a professional respect,

and the registrar shall note such cancellation in the register, and any certificate issued to such person under this Act shall thereby be cancelled. R.S.O. 1950, c. 276, s. 23 (1, 2), *amended*.

Quorum of
discipline
committee

(2) Five members of the discipline committee constitute a quorum for the purposes of this section.

Hearing

(3) Before the Council or discipline committee cancels any registration under this section it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires.

Prohibition
to carry on
business
when regis-
tration
cancelled

(4) A pharmaceutical chemist or apprentice whose registration has been cancelled under this section shall not operate a pharmacy either on his own behalf or as an employee and shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy.

Review

(5) A pharmaceutical chemist or apprentice whose registration has been cancelled under this section may within three months apply to a judge of the Supreme Court and the judge may review the decision of the Council and may make such order and give such directions as he may deem proper and his decision shall be final.

Reinstatement

(6) The Council may upon application reinstate a person whose registration has been cancelled under this section. *New.*

(7) No action shall be brought by any person against the Council or any member thereof for anything done in good faith under this section. R.S.O. 1950, c. 276, s. 23 (3), *amended*. No action to lie against Council

28.—(1) Where a person has not paid any annual fee as required by subsection 1 of section 20 within fifteen days after the date it was payable, the registrar may give such person notice of such default by registered letter, sent to his last address as shown on the register, and if default continues for fifteen days thereafter the Council may direct that the registration of such person be cancelled, and the registrar shall note such cancellation in the register, and any certificate issued to such person under this Act shall thereby be cancelled. Cancellation of registration for failure to pay fees

(2) A person whose registration has been cancelled under this section shall be reinstated on payment of a fee of \$10 and the annual fee for the year in which the application for reinstatement is made. *New*. Reinstatement

29.—(1) A pharmaceutical chemist may on application in writing to the registrar and upon surrender of his certificate of registration have his name erased from the register. Voluntary erasing of name from register

(2) A pharmaceutical chemist whose name has been so erased and who is otherwise eligible for registration may on application have his name re-entered on the register upon payment of the annual fee for the then current year. R.S.O. 1950, c. 276, s. 25, *amended*. Re-entry of name in register

30. No person other than a pharmaceutical chemist shall, Prohibition against use of certain titles

(a) assume or use the title,

- (i) chemist and druggist,
- (ii) chemist, in connection with a retail business,
- (iii) druggist,
- (iv) pharmacist,
- (v) pharmaceutical chemist,
- (vi) apothecary,
- (vii) dispensing chemist, or
- (viii) dispensing druggist; or

(b) use the designation,

- (i) drug store, or
- (ii) pharmacy; or

(c)

- (c) use, in connection with a retail business, the designation,
- (i) drug sundries,
 - (ii) drug or drugs, or
 - (iii) medicines; or
- (d) use any sign or emblem, title or advertisement that implies or is calculated to lead the public to infer that he is registered as a pharmaceutical chemist under this Act. R.S.O. 1950, c. 276, s. 28, cl. (b), *amended*.

Medical
practitioner
carrying on
business

31. Where a legally qualified medical practitioner desires to operate a pharmacy, he shall not be required to pass the examinations prescribed by the regulations, but he shall register as a pharmaceutical chemist and comply with all other requirements of this Act. R.S.O. 1950, c. 276, s. 42, *part, amended*.

Operation of
pharmacies
by
corporations

32.—(1) No corporation shall operate a pharmacy unless the majority of the directors of the corporation are registered as pharmaceutical chemists under this Act. R.S.O. 1950, c. 276, s. 29; 1952, c. 74, s. 4, *amended*.

Idem.

(2) No corporation shall operate a pharmacy unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmaceutical chemists.

Application
of subs. 2

(3) Subsection 2 does not apply to any corporation operating a pharmacy on the day this Act comes into force. *New*.

Records
open to
inspection

33. Any record required to be kept under this Act shall be open to inspection by any constable or other police officer or by any inspector appointed under a by-law passed by the Council. R.S.O. 1950, c. 276, s. 36, *amended*.

Inspector's
power of
entry

34. An inspector appointed under a by-law passed by the Council under this Act may enter any pharmacy or other shop in the performance of his duties under this Act, at all reasonable times. *New*.

PART II

SALE OF POISONS AND DRUGS

Operation of
pharmacy

35. No person or corporation shall keep open or operate a pharmacy unless it is under the personal supervision of and is managed by a pharmaceutical chemist. R.S.O. 1950, c. 276, s. 21 (4), *amended*.

Prohibition
re person
other than
pharmaceu-
tical chemist
selling
poisons, etc.

36.—(1) Except as otherwise provided in this Act or the regulations, no person other than a pharmaceutical chemist shall,

(a)

- (a) keep open shop for retailing, dispensing or compounding any poison or drug; or
- (b) sell, offer for sale or keep for sale, by retail any poison or drug; or
- (c) dispense or compound prescriptions of legally qualified medical practitioners, dentists or veterinary surgeons.

(2) Clauses *b* and *c* of subsection 1 do not apply to an apprentice registered under this Act when acting under the supervision of a pharmaceutical chemist. R.S.O. 1950, c. 276, s. 28, cl. (b), *amended*. Application to apprentices

37. No person or corporation shall sell by wholesale any poison or drug for the purpose of sale by retail to any person not entitled to sell the same by retail. R.S.O. 1950, c. 276, s. 43; 1951, c. 64, s. 3, *amended*. Sale by wholesalers

38.—(1) Where a person or corporation operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, if the trustee in bankruptcy, liquidator or assignee, as the case may be, is authorized to operate the pharmacy, it shall be operated only under the personal supervision and management of a pharmaceutical chemist. *New*. Carrying on business of bankrupt person

(2) Upon the death of a pharmaceutical chemist who was operating a pharmacy at the time of his death, the personal representative of such deceased person may operate the pharmacy under the personal supervision and management of a pharmaceutical chemist for a period of four years or for such further period as the Council may authorize. R.S.O. 1950, c. 276, s. 26, *amended*. Carrying on business of deceased person

(3) Every person or corporation authorized to operate a pharmacy under subsection 1 or 2 shall immediately upon becoming so authorized file with the registrar evidence of his or its authority. *New*. Notification of registrar of authority to carry on business

39. No person shall sell poison,

- (a) by wholesale, unless the word "poison" is legibly and conspicuously displayed on the outer surface of the container in which the poison is contained; or
- (b) by retail, unless the word "poison" and the address of the establishment in which the poison is sold and the name of the owner thereof are legibly and conspicuously displayed on the outer surface of the container in which the poison is contained. R.S.O. 1950, c. 276, s. 33 (1), *part, amended*.

Container to be marked "poison"

40. No person shall sell by retail any poison referred to in Part I of Schedule A to any person unknown to him, unless Sale of poison to person unknown to seller

the

the prospective purchaser is introduced to him by some person known to him and to the prospective purchaser. R.S.O. 1950, c. 276, s. 33 (1), *part, amended*.

Poison-book

41.—(1) A record of every sale of a poison referred to in Part I of Schedule A shall be entered in a poison-book kept by the seller for that purpose.

Information
to be
included in
record

(2) The record of a sale shall include the following information:

1. The date of the sale.
2. The name and address of the purchaser.
3. The name and quantity of the poison sold.
4. The purpose for which it is stated by the purchaser to be required.
5. Where the purchaser is unknown to the seller, the name of the person who introduced the purchaser.

Record to
be signed

(3) When the seller has completed the record he shall cause the purchaser to sign it and shall sign it himself.

No delivery
of poison
until record
completed

(4) The seller of any poison referred to in Part I of Schedule A shall not deliver it to the purchaser until a record of the sale has been completed in accordance with this section. R.S.O. 1950, c. 276, s. 33 (1), *part, amended*.

Application
of ss. 39,
40, 41

42. Sections 39, 40 and 41 do not apply to any poison when it forms part of the ingredients of any drug prescribed by a legally qualified medical practitioner, dentist or veterinary surgeon if the name and address of the seller are legibly and conspicuously displayed on the outer surface of the container in which the drug is sold. R.S.O. 1950, c. 276, s. 33 (3), *amended*.

Sale of
drugs in
Sched. C on
prescription

43. Subject to the regulations, no person or corporation shall sell by retail any drug referred to in Schedule C except on prescription given in such form, in such manner and under such conditions as the regulations may prescribe. R.S.O. 1950, c. 276, s. 34 (1), *part, amended*.

Sale of drugs
in Sched. D
on prescrip-
tion

44. No person or corporation shall sell by retail,

- (a) any drug referred to in Part I of Schedule D except on a written prescription signed by the prescriber; or

(b)

- (b) any drug referred to in Part II of Schedule D except on prescription given in such form, in such manner and under such conditions as the regulations may prescribe. R.S.O. 1950, c. 276, s. 34 (1), *part, amended.*

45. Every person who fills a prescription shall mark the prescription with an identification number or other designation which shall also be marked on the container in which the drug is supplied. *New.*

Identification markings on prescription, etc.

46. Every person who presents a written prescription to a pharmaceutical chemist to be filled, unless otherwise directed by the prescriber, shall be entitled to have a copy of it furnished to him by the pharmaceutical chemist, but the original prescription shall be retained by the pharmaceutical chemist. *New.*

Purchaser entitled to copy of prescription

47. No person or corporation shall give away any drug referred to in Schedule D except to a legally qualified medical practitioner, dentist or veterinary surgeon. R.S.O. 1950, c. 276, s. 34 (1), *part, amended.*

Prohibition to give away certain drugs

48. Every pharmaceutical chemist shall keep a record of every purchase or sale made by him of a drug referred to in Part I of Schedule D and showing the date and quantity of the purchase or sale, the name of the person from whom it was purchased or to whom it was sold and the name of the person upon whose prescription it was sold. R.S.O. 1950, c. 276, s. 35 (2), *amended.*

Record of drugs to be kept by pharmaceutical chemist

49.—(1) The Minister may require any legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist to report from time to time to him or to the College the quantity of any drug referred to in Schedule D that he has purchased, sold or prescribed during any period.

Reports to Minister

(2) The Minister may require the registrar to report from time to time to him any information in the possession of the registrar with respect to any drug referred to in Schedule D.

Reports by registrar to Minister

(3) Where it appears to the Minister that a legally qualified medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist has sold or prescribed an excessive, unreasonable or improper amount of any drug referred to in Schedule D or has failed to make a complete report under subsection 1, the Minister may report such matter to the disciplinary body of The College of Physicians and Surgeons of Ontario, The Royal College of Dental Surgeons of Ontario, The Ontario Veterinary Association or The Ontario College of Pharmacy, as the case may be.

Report by Minister to disciplinary body

Power to
discipline

(4) Any such disciplinary body upon receiving a report from the Minister may inquire into the matter and reprimand, or suspend or cancel the licence or certificate to practise of a member of any such college or association whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any drug referred to in Schedule D.

Hearing

(5) Before the disciplinary body reprimands or suspends or cancels a licence or certificate, it shall afford the person against whom the complaint has been made an opportunity of appearing before it and of presenting such evidence and making such representations as he desires and all evidence shall be taken down in writing.

Power of
disciplinary
body

Rev. Stat.,
c. 308

(6) The disciplinary body shall have in respect of a hearing under this section the same powers as may be conferred upon a commissioner under *The Public Inquiries Act*.

Appeal

(7) Any person who has been reprimanded or whose licence or certificate has been suspended or cancelled may, within fifteen days after receipt of notice in writing of the decision of the disciplinary body, appeal to the Court of Appeal from such decision and the practice and procedure in such appeal shall be the same as upon an appeal from a judgment of a Supreme Court judge presiding at a trial.

No action
against
disciplinary
body

(8) No action shall be brought against any such disciplinary body or any member thereof for anything done in good faith under this section. R.S.O. 1950, c. 276, s. 35 (1, 3-6), *amended*.

Regulations

50. The Lieutenant-Governor in Council may make regulations,

- (a) adding any substance or preparation containing such substance or deleting any substance or preparation containing such substance from the lists of substances and preparations containing such substances in the Schedules to this Act, or striking out any list and substituting another list therefor; R.S.O. 1950, c. 276, s. 34 (2), *amended*.
- (b) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;
- (c) prescribing the types of containers to be used for containing any poison or drug and the designs, specifications and labelling therefor;
- (d) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedule C or in Part II of Schedule D and the conditions under which such prescriptions may be given;

(e)

- (e) authorizing the refilling of prescriptions without further prescription and prescribing the conditions under which prescriptions may be refilled without further prescription;
- (f) designating poisons that may be sold by persons not otherwise authorized under this Act and authorizing the sale of such poisons by any persons or classes of persons not otherwise authorized under this Act and prescribing the conditions under which such poisons shall be sold by such persons or classes of persons;
- (g) designating drugs referred to in Schedule C that may be sold to owners of animals or birds for the treatment of such animals or birds by persons not otherwise authorized under this Act and authorizing the sale without prescription of such drugs to owners of animals or birds for the treatment of such animals or birds by any persons or classes of persons not otherwise authorized under this Act and prescribing the conditions under which such drugs shall be sold by such persons or classes of persons;
- (h) prescribing forms for use under this Act. *New.*

PART III

OFFENCES AND PENALTIES

51. Where any person or corporation operates a pharmacy contrary to this Act or the regulations, the owner and manager of such pharmacy or either of them may be proceeded against, and prosecution or conviction of either of them shall not be a bar to prosecution or conviction of the other. R.S.O. 1950, c. 276, s. 29, *part, amended.* Proceedings against owner or manager

52. Every owner or manager of a pharmacy shall be liable for every offence against this Act committed by any person in his employ or under his supervision with his permission, consent or approval, express or implied. *New.* Liability of owner or manager for offences of employees

53. In any prosecution under this Act the onus shall be on the person charged to prove that he or any other person is registered and holds a certificate under this Act. R.S.O. 1950, c. 276, s. 40, *amended.* Onus of proof of registration

54. A person who sells any drug or poison in contravention of the provisions of this Act or the regulations shall not be entitled to recover any charges in respect thereof. R.S.O. 1950, c. 276, s. 41, *amended.* Recovery of charges

Action for
malpractice

55. No action shall be brought against a pharmaceutical chemist for negligence or malpractice in the rendering of professional services unless the action is commenced within six months from the date the professional services are rendered. *New.*

Misrepresentation

56. No person shall knowingly sell any poison or drug under the representation or pretence that it is a particular poison or drug that it is not, or contains any substance that it does not. R.S.O. 1950, c. 276, s. 38, *amended.*

Penalties,
for offences
re drugs in
Sched. D

57.—(1) Every person who, contrary to this Act or the regulations,

- (a) sells, offers for sale or keeps for sale, by retail; or
- (b) dispenses or compounds; or
- (c) fails to keep records as required by this Act or the regulations in respect of the sale of,

any drug referred to in Schedule D is guilty of an offence and on summary conviction is liable for a first offence to a penalty of not less than \$50 and not more than \$250 and for each subsequent offence to a penalty of not less than \$100 and not more than \$500.

for offences
re drugs
other than
drugs in
Sched. D

(2) Every person who, contrary to this Act or the regulations,

- (a) sells, offers for sale or keeps for sale, by retail; or
- (b) dispenses or compounds; or
- (c) fails to keep records as required by this Act or the regulations in respect of the sale of,

any drug, other than a drug referred to in Schedule D, is guilty of an offence and on summary conviction is liable for a first offence to a penalty of not less than \$50 and not more than \$150 and for each subsequent offence to a penalty of not less than \$100 and not more than \$200. *New.*

Penalties,
general

58. Except as otherwise provided in section 57, every person who contravenes or fails to comply with any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$100. R.S.O. 1950, c. 276, s. 39 (1), *part, amended.*

Penalties
recovered
for use of
College

59. All penalties recovered for offences against this Act or the regulations shall be paid to the registrar for the use of the College. R.S.O. 1950, c. 276, s. 39 (1), *part, amended.*

PART IV

REPEAL AND COMMENCEMENT

60. *The Pharmacy Act, The Pharmacy Amendment Act, 1951 and The Pharmacy Amendment Act, 1952* are repealed. Rev. Stat., c. 276; 1951, c. 64; 1952, c. 74, repealed

61. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement

62. This Act may be cited as *The Pharmacy Act, 1953*. Short title

SCHEDULE A

PART I

Aconite
 Arsenic and preparations (except when combined with other ingredients in individual dosage forms)
 Atropine and any salt thereof
 Belladonna and preparations (except when combined with other ingredients in individual dosage forms)
 Cantharides
 Croton Oil
 Hydrocyanic Acid and any salt thereof
 Hyoscyamine and any salt thereof
 Hyoscine and any salt thereof
 Mercury, Ammoniated
 Mercuric Chloride (Corrosive Sublimate)
 Mercuric Cyanide
 Mercuric Iodide
 Mercuric Oxide
 Nux Vomica and preparations (except when combined with other ingredients in individual dosage forms)
 Oil of Bitter Almonds
 Oil of Pennyroyal
 Oil of Rue
 Oil of Tansy
 Oil of Savin
 Phenol, pure, or of greater strength than 5%, but not crude carbolic
 Picrotoxin
 Potassium Antimony Tartrate (Tartar Emetic)
 Potassium Cyanide and all other cyanides
 Potassium Permanganate
 Santonin
 Sodium Antimony Tartrate (Tartar Emetic)
 Strophanthus
 Strychnine and any salt thereof (except when combined with other ingredients in individual dosage forms)

PART II

PART II

Acetanilide	Hyoscyamus
Acid Acetic (33% or stronger)	Iodoform
Acid Chromic	Iodine
Acid Hydrochloric	Lead Salts
Acid Nitric	Mercury
Acid Sulphuric	Mercury and Chalk
Acid Oxalic	Mercurous Chloride
Acid Picric (Trinitrophenol)	Oil of Cedar
Amyl Nitrite	Oil of Chenopodium
Barium Chloride	Oil of Wintergreen and Methyl
Barium Sulphide	Salicylate
Belladonna, when combined with	Phenol (crude)
other ingredients	Phosphorus in free state
Benzol	Podophyllin
Bromform	Potassium Bichromate
Bromides and compounds	Potassium Hydroxide
Chloroform	Potassium Iodide
Chloralamide	Potassium Nitrite
Colchicum	Sabadilla Seeds
Cotton Root	Silver Nitrite
Carbon Bisulphide	Sodium Fluoride
Cresol and its homologues	Sodium Hydroxide
Creosote	Sodium Nitrite
Copper Sulphate	Stramonium
Derris Powder	Stavesacre
Digitalis and derivatives	Sulphonal
Ether	Trional
Formaldehyde (Formalin)	Thallium Salts
Goulard's Extract	Tobacco Extract
Goulard's Lotion	Zinc Salts
Hellebore	

SCHEDULE B

Acetylsalicylic Acid (in sealed pack- ages) whether described as as- pirin, acetophen, or any other trade name, mark or description	Essence of Peppermint
Alum	Ferrous Sulphate (Copperas)
Ammonium Chloride	Glauber Salts (Sodium Sulphate)
Aromatic Cascara	Glycerin
Arrowroot	Hydrogen Peroxide, not more than 3%
Beef, Iron & Wine	Iodine, tincture or solution, not more than 2½%
Bicarbonate of Soda	Linseed, whole or ground
Boracic Acid	Magnesium Hydroxide
Borax	Magnesium Carbonate
Calamine Lotion	Magnesium Citrate
Camphor Gum	Magnesium Sulphate (Epsom Salts)
Camphorated Chalk	Mineral or Paraffin Oil
Camphorated Oil	Olive Oil
Carbonate of Soda	Oil of Eucalyptus
Carbonate of Magnesia	Petroleum Jelly
Castor Oil	Potassium Nitrate (Salt Petre)
Chlorinated Lime	Rochelle Salts (Sodium and Potas- sium Tartrate)
Chloride of Lime	Rhubarb Root
Cochineal	Saccharine Tablets
Cod Liver Oil	Seidlitz Powders
Copper Sulphate (Blue stone)	Senna
Cream of Tartar (Potassium acid tartrate)	Spirits of Aromatic Ammonia
Disodium-dibrom-oxymercuri-fluor- escein, whether described as "Mercurochrome" or any other trade name, mark or description —not more than 2%	Solution of Ammonia
Epsom Salts	Sodium Chloride
	Sodium Phosphate
	Spirits of Nitrous Ether
	Spirits of Camphor
	Sulphur
	Turpentine

SCHEDULE C

Adrenocorticotrophic Hormone, ACTH
 Aminopyrine and any salt, homologue, or derivative thereof
 Apiol and preparations and compounds
 Aureomycin and any salt or derivative thereof
 Chloral Hydrate
 Chloramphenicol
 Cinchophen and Neocinchophen
 Cortisone and any salt thereof
 Dihydrostreptomycin and any compound thereof
 Dilantin Sodium (Sodium 5, 5-diphenyl-hydantoinate, sodium 2, 4 dikete-5, 5-diphenyl-tetra-hydroglycxalinethe mono-sodium sale of 5, 5 diphenyl-hydantoin)
 Ergot and preparations and compounds
 2, 4-dinitrophenol and any compound, homologue, or derivative thereof
 Methamphetamine and any salt thereof
 Ortho-dinitrophenol, and any compound, homologue, or derivative thereof
 Penicillin, its salts or derivatives, or preparations thereof, excluding preparations for oral use that contain not more than 3,000 International Units per dose
 Phenytoin Sodium
 Selenium and any compound thereof
 Streptomycin and any compound thereof
 Sulphonamides and any salt, homologue, or derivative thereof
 Terramycin and any compound thereof
 Tetraethylthiuram disulphide
 Thiouracil and any homologue, or derivative thereof
 Thyroid
 Thyroxin and any salt thereof
 Urethane
 Hydrocortisone and any salt thereof
 Iproniazid
 Isoniazid
 Polymyxin B sulphate for internal and parenteral use

SCHEDULE D

PART I

Barbituric Acid and any salt, homologue, or derivative thereof
 Beta-Amino propylbenzene (alpha-methyl-pheno-thylamine, benzyl-methylcarbinamine, racemic desoxynor-ephedrine) and any salt thereof including isomyl, amphetamine, benzedrine, dexedrine, and any salt thereof including inhalers
 Paraldehyde

PART II

Barbituric Acid and derivatives or chemical combinations when combined with other medicinal ingredients and not exceeding one-quarter of one grain of barbituric acid or the said derivatives or combinations and not less than the amount set by the British Pharmacopoeia as a minimum dose of one of the other medicinal ingredients in each maximum dose of the combination and when the combination contains less than one-quarter of one grain of barbituric acid or the said derivatives or combinations in a maximum dose of the combination the minimum dose of such ingredient may be reduced in proportion to the reduction in the above drug.

CHAPTER 80

An Act to amend The Planning Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of section 1 of *The Planning Act* is repealed and the following substituted therefor: Rev. Stat., c. 277, s. 1, cl. i, re-enacted

(i) "public work" means any improvement of a structural nature or any undertaking that is within the jurisdiction of the council or of any local board.

2. Section 12 of *The Planning Act*, as amended by section 3 of *The Planning Amendment Act, 1951*, is further amended by adding thereto the following subsections: Rev. Stat., c. 277, s. 12, amended

(3) Where any person requests the council to initiate an alteration or addition and the council fails to propose the alteration or addition within thirty days from the receipt of the request, such person may request the Minister to refer the proposal to the Ontario Municipal Board. Where council fails to act

(4) Upon receipt of the request, the Minister may require a report on the proposal from the planning board and may refer the proposal to any public authority that may be concerned therewith and he may refuse the request or refer the proposal to the Ontario Municipal Board. Reference to Municipal Board

(5) When a proposal is referred to the Ontario Municipal Board under subsection 4, it may reject the proposal or direct that the council cause the alteration or addition to be made in the manner provided in the order. Disposal of reference

3.—(1) Subsection 1 of section 13 of *The Planning Act* is amended by striking out the word "subsection" in the third line and inserting in lieu thereof the words, figure and letter "subsections 1a and", so that the subsection shall read as follows: Rev. Stat., c. 277, s. 13, subs. 1, amended

Public works
and by-laws
to conform
with plan

- (1) Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 1a and 2, no by-law shall be passed for any purpose that does not conform therewith.

Rev. Stat.,
c. 277, s. 13,
amended

- (2) The said section 13 is amended by adding thereto the following subsection:

Validity of
by-laws im-
plementing
alterations
or additions
to official
plans

- (1a) Where a council has adopted an alteration or addition to an official plan and has passed a by-law implementing the alteration or addition before the Minister has approved the alteration or addition, such by-law shall be deemed to be valid and to have come into force on the day it was passed upon its approval by the Ontario Municipal Board, if such approval is required, and upon the Minister's approval of the alteration or addition.

Rev. Stat.,
c. 277, s. 15
(1952, c. 75,
s. 7),
amended

4. Section 15 of *The Planning Act*, as re-enacted by section 7 of *The Planning Amendment Act, 1952*, is amended by adding thereto the following subsection:

Idem

- (1a) Where no committee of adjustment is constituted for a municipality that is within or partly within a planning area consisting of more than one municipality, the planning board of such planning area may constitute itself or not less than three of its members as the committee of adjustment for the municipality or that part of the municipality that is within the planning area.

Rev. Stat.,
c. 277, s. 16a
(1952, c. 75,
s. 8),
amended

5. Section 16a of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1952*, is amended by adding thereto the following subsection:

With-
drawal of
Minister's
approvals

- (3a) If at any time before a redevelopment plan for the redevelopment area has been approved by the Ontario Municipal Board the Minister is not satisfied with the progress made by the municipality in acquiring land within the redevelopment area or in preparing a redevelopment plan, he may withdraw his approvals under subsections 2 and 3 and thereupon the by-law designating the redevelopment area shall cease to have effect and the redevelopment area shall cease to exist.

Rev. Stat.,
c. 277, s. 24,
subs. 1,
cl. b, re-
enacted

- 6.—(1) Clause b of subsection 1 of section 24 of *The Planning Act* is repealed and the following substituted therefor:

(b)

- (b) unless the land is ten acres or more in area and the remnant, if any, remaining in the vendor is also ten acres or more in area.

(2) Clause *d* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

Rev. Stat.,
c. 277, s. 24,
subs. 1, cl. *d*,
re-enacted

(d) unless the consent,

- (i) of the planning board of the area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given.

(3) The said section 24 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 277, s. 24,
amended

- (1a) The by-law may provide that where land is described in accordance with and is within a registered plan of subdivision no person shall convey a part of any lot or block of the land by way of deed or transfer on any sale, or enter into an agreement of sale and purchase, or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more unless a consent thereto is given in the manner provided in clause *d* of subsection 1.

Part lots

7. Subsection 2 of section 26 of *The Planning Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 277, s. 26,
subs. 2,
amended

- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

8. This Act comes into force on the 1st day of June, 1953.

Commence-
ment

9. This Act may be cited as *The Planning Amendment Act, 1953*.

Short title

CHAPTER 81

An Act to amend The Police Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following section: Rev. Stat.,
c. 279,
amended

7a.—(1) Notwithstanding any special Act, any two or more municipalities, other than cities and counties, Joint boards,
establish-
ment having a combined population in excess of 5,000 according to their last revised assessment rolls may, if authorized so to do by by-law of their respective councils, by agreement constitute a board.

(2) A joint board established under subsection 1 shall Composition consist of,

(a) the head of the council of one of the municipalities;

(b) a judge designated or appointed in the manner provided in section 7; and

(c) a magistrate or Crown attorney designated or appointed in the manner provided in section 7.

(3) The municipal representative on a joint board shall be the head of the council of the municipality selected in accordance with the agreement and he shall act as such representative for the remainder of the year in which the agreement comes into operation, to be followed annually in rotation by the head or heads of the council or councils of the other municipality or municipalities in such sequence as the agreement provides. Municipal
representa-
tives to
rotate

(4) All other provisions of this Act applicable to boards apply *mutatis mutandis* to boards established under this section. Application
of other
provisions
of Act

Rev. Stat.,
c. 279, s. 9,
amended

2. Section 9 of *The Police Act* is amended by adding thereto the following subsection:

Idem,
joint boards

- (2) Where a board is constituted under section 7a, the by-laws of the municipalities constituting the board may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat.,
c. 279, s. 34,
subs. 1,
re-enacted

3. Subsection 1 of section 34 of *The Police Act* is repealed and the following substituted therefor:

Grants in
aid

- (1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for the members,

Rev. Stat.,
c. 430

- (a) where the population of the municipality is less than 10,000, 25 per cent;
(b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
(c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
(d) where the population of the municipality is 70,000 or more, 10 per cent.

Rev. Stat.,
c. 279, s. 35,
repealed

4. Section 35 of *The Police Act* is repealed.

Rev. Stat.,
c. 279, s. 37,
subs. 1,
amended

5. Subsection 1 of section 37 of *The Police Act* is amended by striking out the words "cost of the police force for the preceding year has been determined" in the third and fourth lines and inserting in lieu thereof the words "amounts upon which the grant is based have been determined for the preceding year" and by striking out the words "the cost of the police force for the preceding year" in the first line of clause b and inserting in lieu thereof the words "the amounts upon which the grant is based as determined for the preceding year", so that the subsection shall read as follows:

Claims for
grants

- (1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as

may

may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 36 have been met; and
- (b) the amounts upon which the grant is based as determined for the preceding year together with such particulars thereof as the Department may request.

6.—(1) This Act, except sections 3, 4 and 5, comes into ^{Commence-}force on the day it receives Royal Assent._{ment}

(2) Sections 3, 4 and 5 come into force on the 1st day of ^{Idem}January, 1954.

7. This Act may be cited as *The Police Amendment Act*, ^{Short title}1953.

CHAPTER 82

An Act to amend The Power Commission Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Power Commission Act*, as re-enacted by section 2 of *The Power Commission Amendment Act, 1952*, is amended by inserting after the figures "1952" in the third line the word and figure "(No. 2)", so that the section shall read as follows: Rev. Stat., c. 281, s. 41 (1952, c. 77, s. 2), amended

41. The compulsory powers conferred by this Act or by *The Niagara Development Act, 1951* or by *The St. Lawrence Development Act, 1952 (No. 2)* shall extend to land, works, rights, powers, privileges and property notwithstanding anything in this Act or in any general or special Act and notwithstanding that they are or may be deemed to be devoted to a municipal or any other public use or that the owner thereof possesses the power of taking land compulsorily and notwithstanding the origin, nature or sources of the owner's title thereto, whether statutory or otherwise, or the manner whereby it was acquired by the owner or by any of his predecessors in title. Powers of expropriation 1951, c. 55; 1952 (2nd Sess.), c. 3

2. Subsection 12 of section 45a of *The Power Commission Act*, as enacted by section 5 of *The Power Commission Amendment Act, 1952*, is amended by striking out the word "to" in the tenth line, so that the subsection shall read as follows: Rev. Stat., c. 281, s. 45a, subs. 12 (1952, c. 77, s. 5), amended

(12) In making the valuations referred to in subsection 6, there shall be no value included for machinery whether fixed or not nor the foundation on which it rests, works, structures other than buildings referred to in subsection 2 or 4, substructures, superstructures, rails, ties, poles, towers, lines nor any of the things excepted from exemption from taxation by paragraph 17 of section 4 of *The Assessment Act*, nor other property, works or improvements not referred to in Exemptions Rev. Stat., c. 24

subsection

subsection 2 or 4, nor an easement or the right or use of occupation or other interest in land not owned by the Commission.

Rev. Stat.,
c. 281, s. 46,
amended

3. Section 46 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1951* and by section 6 of *The Power Commission Amendment Act, 1952*, is further amended by inserting after the figures "1952" in the amendment of 1952 the word and figure "(No. 2)", so that the section shall read as follows:

Government
authorized
to raise
funds for
works of
Commission
Rev. Stat.,
c. 299
1951, c. 55;
1952 (2nd
Sess.), c. 3

46. The Lieutenant-Governor in Council may raise by way of loan in the manner provided by *The Provincial Loans Act* such sums as the Lieutenant-Governor in Council may deem requisite for the purposes of this Act and of *The Niagara Development Act, 1951* and of *The St. Lawrence Development Act, 1952 (No. 2)*, and the sums so raised may either be advanced to the Commission or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Commission issued by the Commission under the authority of this Act.

Rev. Stat.,
c. 281, s. 51,
subs. 2, cl. e,
amended

4. Clause *e* of subsection 2 of section 51 of *The Power Commission Act*, as amended by subsection 2 of section 9 of *The Power Commission Amendment Act, 1951* and section 7 of *The Power Commission Amendment Act, 1952*, is further amended by inserting after the figures "59" in the fourth line the words and figures "or in section 59a" and by inserting after the figures "1952" in the amendment of 1952 the word and figure "(No. 2)", so that the clause shall read as follows:

(*e*) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 28, 38 and 84 or in respect of the acquisition or construction of works referred to in section 59 or in section 59a, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)*, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55;
1952 (2nd
Sess.), c. 3

Rev. Stat.,
c. 281,
amended

5. *The Power Commission Act* is amended by adding thereto the following section:

- 59a.—(1) Notwithstanding anything in this Act or in any other general or special Act, or any agreement which may have been entered into by His Majesty with the Commission pursuant to subsection 2 of section 59, or any agreement entered into by the Commission with any other person, the works in the territorial districts of Ontario now held in trust for Her Majesty pursuant to section 59 and all other assets related thereto and the works now held in trust for the municipalities comprised in the Commission's Thunder Bay System and all other assets related thereto shall, subject to the respective liabilities and with the reserves now attaching thereto, be deemed as of January 1st, 1952, to be held in one trust to be known as the "Northern Ontario Properties" for Her Majesty and the municipalities, the beneficial interest of Her Majesty and of each municipality now or hereafter becoming a beneficiary under the trust being according to the amounts heretofore or hereafter charged and received under power contracts by the Commission from the municipalities and from persons supplied by it with power for the account of Her Majesty for repayment of indebtedness incurred or assumed by the Commission in respect of the works, and also to the amount of reserves transferred in respect of the trust as of January 1st, 1952, to the credit of the municipalities now comprised in the Thunder Bay System or to the credit of Her Majesty or contributed subsequently to January 1st, 1952.
- (2) Any municipality in the territorial districts of Ontario which enters into a contract with the Commission for the supply of power from works held by the Commission under the Northern Ontario Properties trust at the cost thereof to the Commission shall thereupon become a beneficiary under the trust established by subsection 1.
- (3) All persons in the territorial districts of Ontario supplied with power by the Commission from works held by it under the Northern Ontario Properties trust except municipalities supplied at cost, including persons now supplied by the Commission in rural power districts on behalf of townships or pursuant to section 90, shall hereafter be deemed to be supplied for the account of Her Majesty and all profit or loss arising from supplying such power shall be credited or charged to Her Majesty.

Establishing
Northern
Ontario
Properties
trust

Additional
beneficiaries

Crown
customers

Rural power districts not beneficiaries under trust

- (4) Notwithstanding section 78, a rural power district shall not be deemed a municipality for the purposes of this section.

Works

- (5) The words "such works" in subsection 5 of section 59, the words "works covered by an agreement authorized under subsection 2" in subsection 7 of section 59, and the words "the works mentioned in subsection 1" in subsection 10 of section 59 shall also include the works held in trust under this section.

Transfer of reserves

6.—(1) The Commission shall transfer to Northern Ontario Properties to the credit of the municipalities now comprised in the Thunder Bay System those portions of the reserves for rate stabilization and contingencies of the Thunder Bay System as at December 31st, 1951, which were contributed on a horse-power or kilowatt basis by the municipalities being supplied with power at cost in that system.

Transfer of reserves

(2) The Commission shall transfer to Northern Ontario Properties to the credit of Her Majesty, for Her benefit only, those portions of the reserves for rate stabilization and contingencies of the Thunder Bay System as at December 31st, 1951, which were contributed on a horse-power or kilowatt basis by customers other than the municipalities being supplied with power at cost in that system.

Transfer of rural power district rates suspense account

R.S.O. 1927, c. 57; 1933, c. 47

(3) The Commission shall transfer to Northern Ontario Properties to be charged to the account of Her Majesty the rural power district rates suspense account of the Thunder Bay System as at December 31st, 1951, and the deficit account under the agreement dated June 30th, 1933, entered into pursuant to section 43a of *The Power Commission Act*, as enacted by section 1 of *The Power Commission Act, 1933*, as at December 31st, 1951.

Transfer of sinking fund

(4) The sinking fund of the Thunder Bay System as at December 31st, 1951, shall be transferred to the Northern Ontario Properties to the credit of the municipalities then comprising the system, excepting that portion pertaining to the mining area and the rural power district which shall be credited to the account of Her Majesty; and the sinking funds in respect of properties held in trust pursuant to section 43a of *The Power Commission Act*, as enacted by section 1 of *The Power Commission Act, 1933*, as at December 31st, 1951, shall be transferred to the Northern Ontario Properties to the credit of Her Majesty.

Transfer of reserves

(5) The Commission shall transfer to Northern Ontario Properties for the common benefit of the beneficiaries under the trust, reserve accounts as of December 31st, 1951, of

the Thunder Bay System and the reserve accounts as at December 31st, 1951, held in trust for Her Majesty under the agreement dated June 30th, 1933, entered into pursuant to section 43a of *The Power Commission Act*, as enacted by ^{R.S.O. 1927, c. 57; 1933, c. 47} section 1 of *The Power Commission Act, 1933*, excepting those reserve accounts referred to in subsections 1, 2, 3 and 4 above.

7. Section 69 of *The Power Commission Act* is amended ^{Rev. Stat., c. 281, s. 69, amended} by adding at the end thereof the words "or to any contract for the supply of electrical power or energy under section 90", so that the section shall read as follows:

69. Notwithstanding anything in section 68, it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to any contract for the supply by the Commission of electrical power or energy to any person from works that the Commission has acquired or constructed and is operating for the distribution of electrical power or energy or to any contract for the supply of electrical power or energy under section 90. ^{Approval of Lieutenant-Governor in Council not required to certain contracts}

8. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

9. This Act may be cited as *The Power Commission Amendment Act, 1953*. ^{Short title}

CHAPTER 83

An Act to amend The Private Sanitaria Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *b* and *g* of section 1 of *The Private Sanitaria Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 290, s. 1,
cls. *b*, *g*,
re-enacted

(*b*) “habitue” means an alcoholic or drug habitue;

.

(*g*) “sanitarium” means an institution for the care and treatment of mental and nervous illnesses, licensed under this Act.

2. Sections 25, 26 and 27 of *The Private Sanitaria Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 290,
ss. 25, 26, 27,
re-enacted

25.—(1) The superintendent of a sanitarium may admit to and, subject to section 49, may detain in it any person who is mentally ill or mentally defective upon a requisition in Form 1 and the certificates in Form 2 of two legally qualified medical practitioners. Admission
on requisition
and
certificates

(2) Every certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective and a proper person to be confined in a sanitarium. Contents of
certificate

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the mental illness or mental deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made. Idem

Limitation
of certificate

- (4) No person may be admitted as a patient under this section except within fifteen days of the examination referred to in any certificate.

Persons
domiciled
outside of
Ontario.

26. The superintendent of a sanitarium may admit to and, subject to section 49, may detain in it any person domiciled out of Ontario who is certified to be mentally ill or mentally defective by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made *mutatis mutandis* according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario who shall certify according to Form 2.

Effect of
requisition
and certi-
ficates

27. The requisition and certificates referred to in section 25 or the certificates referred to in section 26 shall be sufficient authority,

(a) to any person to convey the patient to the sanitarium; or

(b) to the superintendent thereof to receive him and, subject to section 49, to detain him therein as long as he continues to be mentally ill or mentally defective; or

(c) to the superintendent of any institution under *The Mental Hospitals Act* to which the patient may afterwards be transferred by the order of the inspector, to receive such patient in such institution and to detain him therein as long as he continues to be mentally ill or mentally defective.

Rev. Stat.,
c. 229

Rev. Stat.,
c. 290, s. 28,
amended

3. Section 28 of *The Private Sanitaria Act* is amended by striking out the word "diseased" in the fourth line and inserting in lieu thereof the words "ill or mentally defective".

Rev. Stat.,
c. 290, s. 29,
amended

4. Section 29 of *The Private Sanitaria Act* is amended by striking out the word "diseased" in the third line and inserting in lieu thereof the words "ill or mentally defective".

Rev. Stat.,
c. 290, s. 30,
amended

5. Section 30 of *The Private Sanitaria Act* is amended by adding thereto the following subsection:

Idem

- (2) No legally qualified medical practitioner whose partner, brother, father or son issues a certificate for the reception of a patient into a sanitarium shall sign a certificate for the reception of the same patient.

6. Subsection 1 of section 31 of *The Private Sanitaria Act* Rev. Stat., c. 290, s. 31, subs. 1, amended is amended by striking out the words "sane person" in the third line and inserting in lieu thereof the words "person who is not mentally ill or mentally defective".

7. Subsection 1 of section 32 of *The Private Sanitaria Act* Rev. Stat., c. 290, s. 32, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) The superintendent of a sanitarium may receive and detain therein as a patient any person suitable for Admission of voluntary patient care and treatment who voluntarily makes written application in Form 8 accompanied by the certificate in Form 8 of one legally qualified medical practitioner certifying that the person is suffering from a form of mental illness which requires treatment in a sanitarium, and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient.

8. Subsection 3 of section 49 of *The Private Sanitaria Act* Rev. Stat., c. 290, s. 49, subs. 3, amended is amended by striking out the words "dangerous and unfit to be at large" in the third and fourth lines and inserting in lieu thereof the words "mentally ill or mentally defective", so that the subsection shall read as follows:

- (3) No patient shall be discharged or removed if the superintendent or attending physician, by writing What to be done if physician in charge objects under his hand, certifies that in his opinion the patient is mentally ill or mentally defective, together with the grounds on which such opinion is founded, unless the inspector after such certificate has been produced to him, gives his consent in writing to the discharge or removal of the patient.

9. Subsection 2 of section 54 of *The Private Sanitaria Act* Rev. Stat., c. 290, s. 54, subs. 2, amended is amended by striking out the words "becomes dangerous or unfit to be at large" in the first and second lines and inserting in lieu thereof the words "again becomes mentally ill or mentally defective to such a degree that his confinement in a sanitarium is necessary", so that the subsection shall read as follows:

- (2) If within six months thereafter the patient again Recommittal to sanitarium becomes mentally ill or mentally defective to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of the inspector or one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that

the patient be apprehended and brought back to the sanitarium, and the warrant so endorsed shall be an authority to anyone acting under it to apprehend the person named in it and to bring him back to the sanitarium.

Rev. Stat.,
c. 290,
amended

10. *The Private Sanitaria Act* is amended by adding thereto the following section:

Transfer
of patient
to hospital

55a.—(1) The superintendent of a sanitarium may transfer any patient to a public hospital under *The Public Hospitals Act* or to a psychiatric hospital under *The Psychiatric Hospitals Act* for treatment or investigation which cannot be supplied in the sanitarium and may readmit the patient to the sanitarium when the patient has received such treatment or investigation as may be necessary.

Rev. Stat.,
cc. 307, 301

Powers of
superinten-
dent of
hospital
re custody
and control
of patient

(2) Where a patient has been transferred to a public hospital or psychiatric hospital under subsection 1, the superintendent of the hospital to which he has been transferred shall in addition to any of the powers conferred upon him by the general or special Act under which the hospital operates, have the powers of a superintendent of a sanitarium under this Act, with respect to the custody and control of the patient.

Rev. Stat.,
c. 290, s. 63,
re-enacted

11. Section 63 of *The Private Sanitaria Act* and the heading thereto are repealed and the following substituted therefor:

ADMISSION OF HABITUE

Voluntary
admission
of habitue

63.—(1) If the licence so permits, the superintendent of a sanitarium may receive and detain therein for treatment as an habitue, any person who voluntarily makes written application in Form 9 accompanied by the certificate in Form 9 of one legally qualified medical practitioner certifying that the person is an habitue requiring treatment in a sanitarium and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient.

Discharge

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium.

Rev. Stat.,
c. 290, s. 64,
repealed

12. Section 64 of *The Private Sanitaria Act* is repealed.

13. Section 66 of *The Private Sanitaria Act* is repealed Rev. Stat.,
c. 290, s. 66,
re-enacted and the following substituted therefor:

- 66.—(1) Any relative, whether by blood or affinity, or Petition
to judge if he has no relative in Ontario, any friend of any alleged habitue may present a petition verified by oath setting forth the particulars mentioned in subsection 2 to the judge of the county or district court of the county or district in which the habitue resides requesting a hearing and examination of the allegations set forth in the petition, and the judge upon receiving such petition shall direct that a copy of the petition together with a notice setting forth the time and place for the hearing be served upon the alleged habitue at least eight clear days before the day fixed for the hearing.
- (2) The petition shall set forth that the alleged habitue Contents
of petition is a resident of Ontario, and
- (a) is so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs; or
 - (b) by reason of the use of alcohol or drugs,
 - (i) squanders or mismanages his property,
 - (ii) places his family in danger or distress, or
 - (iii) transacts his business prejudicially to the interest of his family or his creditors; or
 - (c) uses alcohol or drugs to such an extent that,
 - (i) he is dangerous to himself or to others, or
 - (ii) he incurs the danger of ruining his health or shortening his life.

14.—(1) Subsection 1 of section 69 of *The Private Sanitaria Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 290, s. 69,
subs. 1,
re-enacted

- (1) If the judge upon such inquiry is satisfied that the person petitioned against is an habitue and that any of the allegations in the petition are true, he may order him to be admitted to and detained in a sanitarium for a period not exceeding two years. Order for
admission

Rev. Stat.,
c. 290, s. 69,
subs. 2,
amended

(2) Subsection 2 of the said section 69 is amended by striking out the words "alcoholic habituate" in the fifth line and inserting in lieu thereof the word "habitue".

Rev. Stat.,
c. 290, s. 69,
subs. 3,
amended

(3) Subsection 3 of the said section 69 is amended by striking out the words "alcoholic habituate" in the first line and inserting in lieu thereof the word "habitue".

Rev. Stat.,
c. 290, s. 71,
repealed

15. Section 71 of *The Private Sanitaria Act* is repealed.

Rev. Stat.,
c. 290,
Forms 1, 2, 3,
re-enacted

16.—(1) Forms 1, 2 and 3 of *The Private Sanitaria Act* are repealed and the following substituted therefor:

FORM 1

(Section 25 (2))

REQUISITION FOR ADMISSION OF MENTALLY ILL OR
MENTALLY DEFECTIVE PATIENT

To the Superintendent of.....Sanitarium

I, the undersigned, hereby request you to admit.....
(Name of patient)

of.....
(Address of patient)

to.....and to detain him
(Name of sanitarium)
(or her) therein as a patient.

1. Full name of patient.....
2. Sex.....
3. Age.....
4. Relationship, if any to applicant
5. Occupation.....
6. Married, single, or widowed
7. Religion.....
8. Duration and description of present symptoms, if known
9. Whether suicidal or dangerous to others, if known.....
10. Previous hospitalization for mental illness or mental deficiency, if known.....

Dated this.....day of....., 19....

.....
(Signature of applicant)

.....
(Address)

FORM 2

(Sections 25 (1), 26 (1))

CERTIFICATE OF MEDICAL PRACTITIONER FOR MENTALLY
ILL OR MENTALLY DEFECTIVE PATIENT

I, the undersigned legally qualified medical practitioner, practising at.....in the County (or District) of.....hereby certify that on the.....day of.....19....., separately from any other medical practitioner, I personally examined.....
(Name of patient)
of.....
(Municipality)

After due inquiry into all the necessary facts relating to the case of the patient, I do hereby further certify that (s)he is.....
and is a proper person to be admitted
 or mentally defective)
 to and detained in a sanitarium and that I have formed this opinion upon the following grounds, namely:

1. Facts indicating.....
observed by myself: (Mental illness or mental deficiency)

2. Other facts, if any, indicating.....
communicated to me by others:
deficiency (State from whom the information is received)

Signed this.....day of....., 19....

Witness:

..... (Signature of medical practitioner)

(3) *The Private Sanitaria Act* is amended by adding thereto the following forms:

Rev. Stat.,
c. 290,
amended

FORM 8
(Section 32 (1))

VOLUNTARY APPLICATION AND CERTIFICATE
VOLUNTARY APPLICATION

I,....., of.....,
(Name of applicant) (Residence)
request the superintendent of the.....Sanitarium
to admit me as a voluntary patient.

I pledge myself to give at least three clear days notice in writing
to the superintendent of my desire to leave the sanitarium.

Witness.....

Date.....
(Signature of applicant)

CERTIFICATE OF MEDICAL PRACTITIONER

The above named applicant has been examined by me and I am
of the opinion that (s)he is suffering from a form of mental illness
which requires treatment in a sanitarium, and that (s)he is capable
of appreciating the fact that (s)he is to be admitted as a voluntary
patient.

.....
(Signature of medical practitioner)
.....
(Address)

Date.....

FORM 9
(Section 63)

VOLUNTARY APPLICATION AND CERTIFICATE FOR HABITUE
VOLUNTARY APPLICATION BY HABITUE

I,....., of.....,
(Name of patient) (Residence)
request the superintendent of the.....Sanitarium
to admit me as a voluntary patient suffering from.....
(Alcoholism or
drug addiction)

Witness.....

Date.....
(Signature of applicant)

CERTIFICATE

CERTIFICATE OF MEDICAL PRACTITIONER FOR HABITUE

(Voluntary Admission)

The above named applicant has been examined by me and I am of the opinion that (s)he is an alcoholic (*or* drug) habitue requiring treatment in a sanitarium and that (s)he is capable of appreciating the fact that (s)he is to be admitted as a voluntary patient.

.....
(Signature of medical practitioner)

.....
(Address)

Date.....

Short title

17. This Act may be cited as *The Private Sanitaria Amendment Act, 1953*.

CHAPTER 84

An Act to amend The Provincial Land Tax Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause ii of clause *b* of section 1 of *The Provincial Land Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 298, s. 1,
cl. *b*, subcl.
ii, re-
enacted

(ii) subject to subsection 2, land that is liable for the acreage tax under *The Mining Tax Act*. Rev. Stat.,
c. 237

(2) The said section 1 is amended by adding thereto the following subsection: Rev. Stat.,
c. 298, s. 1,
amended

(2) Subclause ii of clause *b* of subsection 1 shall not apply where the land or any part of it, Where s. 1,
cl. *b*, subcl.
ii not to
apply

(a) is used for a purpose other than mining or, if used for mining purposes, is also used for any other purpose; or

(b) is land upon which there is timber, other than Crown timber, and the average value of such timber is more than \$2 an acre.

2.—(1) Section 3 of *The Provincial Land Tax Act* is amended by inserting after the word “but” in the sixth line the words “subject to subsection 2 of section 1”, so that subsection 1 of the said section shall read as follows: Rev. Stat.,
c. 298, s. 3,
amended

(1) There shall be payable by the owner in respect of any lands to which this Act applies an annual tax not exceeding 2 per cent upon the value of the land or the taxable interest therein or upon such proportion of the value of such land or interest as the Lieutenant-Governor in Council may determine to be imposed and collected as hereinafter provided, but, subject to subsection 2 of section 1, such tax shall not be payable in respect of any of the lands,

rights

rights or property mentioned in subclauses i to vi of clause b of section 1, nor in respect of lands the owners of which are declared by the Lieutenant-Governor in Council to be exempt from such tax.

Rev. Stat.,
c. 298, s. 3,
amended

(2) The said section 3 is further amended by adding thereto the following subsections:

Rate of
tax

(2) The Lieutenant-Governor in Council shall fix the rate of the annual tax and the rate so fixed shall remain in force from year to year until changed by the Lieutenant-Governor in Council.

Minimum
tax

(3) The minimum tax imposed under this Act in respect of land that contains 200 acres or less shall be \$6, and where the land contains more than 200 acres, the minimum tax shall be \$6 plus 3 cents an acre for every acre over 200.

Rev. Stat.,
c. 298, s. 5,
repealed

3. Section 5 of *The Provincial Land Tax Act* is repealed.

Confirmation
of certain
certificates
and notices
of forfeiture

Rev. Stat.,
c. 298
1952, c. 80

4.—(1) Every certificate in writing signed by the Minister of Lands and Forests or the Deputy Minister of Lands and Forests on or before the 23rd day of May, 1952, and every such certificate or notice of forfeiture published on or before that day in *The Ontario Gazette* in accordance with subsection 1 of section 21 of *The Provincial Land Tax Act* before its re-enactment by section 2 of *The Provincial Land Tax Amendment Act, 1952* is validated and confirmed, and every such certificate shall be absolute and conclusive evidence that all rights, title, interest, claim or demand of the owner or of any person claiming through him in or to the lands therein declared to be forfeited have ceased and determined and that all mortgages, liens, encumbrances, charges, rates and taxes with respect thereto have ceased and determined, and that the lands or the interest of the owner or of any person claiming through him are vested absolutely in Her Majesty for the use of Ontario free and clear of all such right, title, interest, claim or demand, mortgages, liens, encumbrances, charges, rates and taxes.

Exceptions

(2) Subsection 1 does not apply to any certificate or notice of forfeiture therein referred to where a certificate declaring the forfeiture cancelled has been signed, sealed and registered in accordance with subsection 2 of section 21 of *The Provincial Land Tax Act* before its re-enactment by section 2 of *The Provincial Land Tax Amendment Act, 1952* or where a certificate relieving from forfeiture has been issued in accordance with subsection 3 or 4 of the said section 21.

5. Sections 1, 2 and 3 apply in respect of taxes payable ^{Application} under this Act in 1954 and thereafter.

6. This Act may be cited as *The Provincial Land Tax* ^{Short title} *Amendment Act, 1953*.

CHAPTER 85

An Act to amend The Public Commercial Vehicles Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Public Commercial Vehicles Act* is repealed and the following substituted therefor: Rev. Stat., c. 304, s. 4, subs. 1, re-enacted

(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate furnished to the Minister and then only in accordance with the certificate. Approval of Board

(1a) Before issuing its certificate the Board may take into consideration, Considerations

(a) the construction, width and nature of the highway (and where it is deemed advisable, of other available highways) including the volume and nature of the traffic on the proposed route, the type, weight, nature, number and proposed use of the vehicles sought to be used, the effect upon traffic conditions of the issue of the operating licence applied for; and

(b) generally the public necessity and desirability of furnishing the proposed services upon the highways in question.

2. Clause *oo* of section 15 of *The Public Commercial Vehicles Act*, as enacted by section 1 of *The Public Commercial Vehicles Amendment Act, 1952*, is repealed and the following substituted therefor: Rev. Stat., c. 304, s. 15, cl. *oo* (1952, c. 83, s. 1), re-enacted

(*oo*) providing for the temporary exemption from any of the provisions of this Act or the regulations of such public commercial vehicles carrying goods into,

out

out of, or through Ontario or such persons operating such vehicles as he may designate upon such terms, limitations and conditions as he prescribes.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1953*.

CHAPTER 86

An Act to amend The Public Halls Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Public Halls Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 305, s. 1,
cl. *b*,
re-enacted

(*b*) "public hall" means a building, including a portable building or tent with a seating capacity for over one hundred persons, that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of *The Theatres Act, 1953* or a building, except a tent, used solely for religious purposes.

1953, c. 104

2. Section 2 of *The Public Halls Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 305, s. 2,
re-enacted

2. No public hall shall be offered for use or used as a place of public assembly unless the owner thereof holds a licence therefor from the city, town, village or township in which it is located, or where it is located in a city having a population of not less than 100,000, from the board of commissioners of police of the city.

Licence
required

3. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment

4. This Act may be cited as *The Public Halls Amendment Act, 1953*.

Short title

CHAPTER 87

An Act to amend The Public Health Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: Rev. Stat.,
c. 306,
amended

1a. Where by this Act powers are conferred or duties imposed upon the Department, such powers may be exercised and duties discharged by the Minister. Powers of
Minister

2. Section 5 of *The Public Health Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 306, s. 5,
amended

(zdd) exempting any person or class of persons from the application of subsection 1 or 2, or both, of section 77 and prescribing the conditions under which such persons shall be exempt therefrom.

3. Section 7 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 306, s. 7,
re-enacted

7. A regulation made by the Minister with the approval of the Lieutenant-Governor in Council shall supersede any municipal by-law, including the by-law in Schedule B, dealing with the same subject matter, and any such by-law shall be deemed to be revoked in so far as it is inconsistent with any such regulation. By-laws
superseded
by regu-
lations

4. Subsection 4 of section 12 of *The Public Health Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 306, s. 12,
subs. 4,
re-enacted

(4) In a town having a population of less than 4,000 according to the enumeration of the assessors for the last preceding year and in every village, township and improvement district, the local board shall consist of the head of the municipality, the medical officer of health, and one resident ratepayer appointed annually by the council at its first meeting in every year. In towns of
less than
4,000,
villages
and town-
ships, etc.

In townships
of 4,000
or over

- (4a) In a township having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide for the addition of two resident ratepayers to the local board to be appointed annually by the council at its first meeting in every year.

Rev. Stat.,
c. 306, s. 77,
amended

5. Section 77 of *The Public Health Act* is amended by adding thereto the following subsection:

Applica-
tion of
subs. 1 or 2

- (2a) Subsection 1 or 2 shall not apply to any person or class of persons exempt therefrom under the regulations.

Rev. Stat.,
c. 306, s. 131,
re-enacted

6. Section 131 of *The Public Health Act* is repealed and the following substituted therefor:

Application
of Sched. B

- 131.—(1) Subject to section 7, the by-law in Schedule B shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality may pass by-laws with the approval of the Minister for making additional requirements in respect of any matters dealt with by the by-law in Schedule B.

Power of
municipality
to amend
Sched. B

- (2) The council of any municipality may, with the approval of the Minister, amend the by-law in Schedule B for the purposes of such municipality, so as to conform to the requirements of the municipality or to meet such special circumstances as, in the opinion of the Minister, may warrant such amendment, and subject to section 7, every such amendment shall have the same force and authority as a regulation made by the Minister.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Public Health Amendment Act, 1953*.

CHAPTER 88

An Act to amend The Public Lands Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Public Lands Act* is repealed. Rev. Stat.,
c. 309, s. 5,
subs. 2,
repealed
2. Section 11 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 309, s. 11,
re-enacted
 11. The Minister may cause any public lands to be surveyed or subdivided. Survey and
subdivision
3. Section 12 of *The Public Lands Act* is repealed. Rev. Stat.,
c. 309, s. 12,
repealed
- 4.—(1) Section 15 of *The Public Lands Act* is amended by inserting after the word “sold” in the second line the words “to actual settlers for agricultural purposes or to purchasers of summer resort locations” and by striking out the words “including the rate of interest to be charged on any unpaid balance” in the third and fourth lines, so that subsection 1 of the said section shall read as follows: Rev. Stat.,
c. 309, s. 15,
amended
 - (1) The Lieutenant-Governor in Council may, from time to time, fix the prices at which the public lands are to be sold to actual settlers for agricultural purposes or to purchasers of summer resort locations, and the terms and conditions of sale and of settlement. Power to
fix price,
etc., of
agricultural
and summer
resort lands
 - (2) The said section 15 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 309, s. 15,
amended
 - (2) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all timber and trees standing, being or thereafter found growing thereon, and all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. Reservation
of trees and
minerals

Rev. Stat.,
c. 309,
amended

5. *The Public Lands Act* is amended by adding thereto the following section:

Sale, etc.,
of public
lands not
otherwise
provided
for

15a. Where the sale or other disposition of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or other disposition of any such public lands at such price, fee or rental and upon such terms and conditions as he deems proper, but no such sale or other disposition shall be made of parcels of more than five acres, and in the case of a sale at less than \$10 an acre and in the case of a lease, licence or permit at less than \$5 an acre per annum, without the approval of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 309, s. 18,
amended

6. Section 18 of *The Public Lands Act* is amended by striking out the words "or if the same was made or issued in error or by mistake" in the fifth and sixth lines and by adding at the end thereof the words "and upon such cancellation all moneys paid in respect of such sale, location or lease shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown", so that the section shall read as follows:

Cancellation
of sale, etc.,
in case of
fraud

18. If the Minister is satisfied that a purchaser, locatee or lessee of public lands, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of the licence of occupation, he may cancel such sale, location, lease or licence, and resume the land and dispose of it as if the same had never been made, and upon such cancellation all moneys paid in respect of such sale, location or lease shall remain the property of the Crown and the improvements, if any, on the land shall be forfeited to the Crown.

Rev. Stat.,
c. 309, s. 42,
subss. 1, 2,
re-enacted

7. Subsections 1 and 2 of section 42 of *The Public Lands Act* are repealed and the following substituted therefor:

Issue of
patents for
lands
located or
sold before
June 23rd,
1942

(1) Where land was located or sold under this Part before the 23rd day of June, 1942, the Minister may direct the issue of letters patent to the locatee, or any person claiming under or through him,

(a) who has built a house on the land that is fit for habitation and that has at least 320 square feet of floor space;

(b) who has resided on the land for a period or periods of at least three years in all;

(c)

- (c) who has cleared and cultivated fifteen acres of the land; and
- (d) who pays the balance, if any, of the purchase price of the land.
- (2) The Minister may direct the issue of letters patent ^{Exception} for land located or sold under this Part before the 23rd day of June, 1942, where the locatee or purchaser or person claiming under or through him produces evidence satisfactory to the Minister,
 - (a) that he is the registered owner of land upon which he has resided for at least three years that is distant not more than five miles from the land so located or sold;
 - (b) that at least thirty acres of the land of which he is the registered owner or of the land so located or sold, or of both, have been cleared; and
 - (c) that the purchase price of the land so located or sold has been paid.

8. Section 45 of *The Public Lands Act* is repealed.

Rev. Stat.,
c. 309, s. 45,
repealed

9. Section 55 of *The Public Lands Act*, as re-enacted by section 2 of *The Public Lands Amendment Act, 1951*, is amended by adding thereto the following subsection:

Rev. Stat.,
c. 309, s. 55
(1951,
c. 71, s. 2),
amended

- (2) The expression "suitable for agricultural purposes" ^{Interpre-} in subsection 1 means lands that are at least 50 per cent arable and that are within a school section or within one mile of a highway or within three miles of a school bus route. ^{tation}

10.—(1) Clause *a* of section 56 of *The Public Lands Act* is amended by striking out the words and figures "is at least 16 feet by 20 feet in size" in the second line and inserting in lieu thereof the words and figures "that has at least 320 square feet of floor space", so that the clause shall read as follows:

Rev. Stat.,
c. 309, s. 56,
cl. a,
amended

- (a) who has built a house on the land that is fit for habitation and that has at least 320 square feet of floor space.

(2) The said section 56 is amended by striking out the word "and" at the end of clause *b*, by adding the word "and" at the end of clause *c* and by adding thereto the following clause:

Rev. Stat.,
c. 309, s. 56,
amended

(d)

- (d) who pays the balance, if any, of the purchase price of the land and the interest thereon.

Rev. Stat.,
c. 309, s. 56,
amended

- (3) The said section 56 is further amended by adding thereto the following subsection:

Exception

- (2) The Minister may direct the issue of letters patent for land sold under Part I in the territorial district of Cochrane or Temiskaming before the 30th day of September, 1925, or in any other part of Ontario before the 23rd day of June, 1942, where the purchaser or person claiming under or through him produces evidence satisfactory to the Minister,

(a) that he is the registered owner of land upon which he has resided for at least three years that is distant not more than five miles from the land so sold;

(b) that at least 10 per cent of the land so sold is cleared and cultivated;

(c) that the purchase price of the land so sold and the interest thereon has been paid.

Rev. Stat.,
c. 309, s. 59,
amended

- 11.** Section 59 of *The Public Lands Act* is amended by adding thereto the following subsection:

Fee for
certificate

- (5) Every applicant for a certificate under subsection 4 shall pay a fee of \$5 for every such certificate.

Rev. Stat.,
c. 309,
amended

- 12.** *The Public Lands Act* is amended by adding thereto the following section:

Release of
road reser-
vations

- 61a.—(1) Where letters patent for land contain a reservation for roads and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from such reservation.

Registra-
tion of
orders

- (2) Any order made under subsection 1 may be registered in the proper registry or land titles office.

Presumption
as to letters
patent here-
tofore issued
to settlers
and locatees

- 13.** Every letters patent heretofore issued under section 42, 45 or 56 of *The Public Lands Act* or a predecessor thereof shall be deemed to have been issued under *The Public Lands Act* as amended by section 7 or 10 of this Act, as the case may be.

14. This Act comes into force on the day it receives Royal ^{Commence-}Assent.
ment

15. This Act may be cited as *The Public Lands Amendment* ^{Short title}
Act, 1953.

CHAPTER 89

An Act to amend The Public Officers' Fees Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Public Officers' Fees Act*, Rev. Stat., c. 312, s. 8, as amended by section 1 of *The Public Officers' Fees Amendment Act, 1951*, subs. 2, re-enacted is repealed and the following substituted therefor:

(2) Of all the gross fees and emoluments earned by any Clerks division court clerk in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 50 per cent thereof;

(b) on the excess over \$10,000, 60 per cent thereof.

(3) Of all the gross fees and emoluments earned by any Bailiffs division court bailiff in each year he shall pay to the Treasurer of Ontario,

(a) on the excess over \$6,000 up to \$10,000, 10 per cent thereof;

(b) on the excess over \$10,000, 20 per cent thereof.

2. This Act shall be deemed to have come into force on the Commence- 1st day of January, 1951. ment

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1953*. Short title

CHAPTER 90

An Act to amend The Public Schools Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Schools Act* is amended by Rev. Stat., c. 316, s. 1, amended relettering clauses *h* to *n* as clauses *k* to *q* respectively, by relettering clauses *o* to *q* as clauses *s* to *u* respectively, and by adding thereto the following clauses:

- (*h*) “occasional teacher” means a teacher employed to teach on a daily basis as a substitute for a permanent, probationary or temporary teacher;
- (*i*) “permanent teacher” means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
- (*j*) “probationary teacher” means a teacher employed for a probationary period,
 - (i) of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
 - (ii) of not more than one year for a teacher with three or more years experience before the commencement of the contract,

leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;

.

- (*r*) “temporary teacher” means a teacher employed to teach on a monthly basis for a period not exceeding one year.

Rev. Stat.,
c. 316, s. 6,
subs. 3,
amended

2. Subsection 3 of section 6 of *The Public Schools Act* is amended by striking out the words "the 24th day of May" in the first and second lines and inserting in lieu thereof the words "Victoria Day", so that the subsection shall read as follows:

Holidays

- (3) Every Saturday, every public holiday, Victoria Day, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat.,
c. 306

3.—(1) Subsection 2 of section 15 of *The Public Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 316, s. 15,
subs. 2,
re-enacted

Inclusion of
union school
section in
township
area

- (2) The council of a township may include a union school section or part thereof in a township school area if the council of each other municipality containing a portion of the union school section by resolution assents thereto on or before the 31st day of August in the year in which the by-law establishing the township school area is passed, and where the whole of the union school section is included all parts thereof shall be regarded as part of the township for public school purposes.

Idem

- (2a) Where the by-law provides for the inclusion of the whole of a union school section and the other municipalities do not assent to the inclusion of the union school section or any part thereof on or before the 31st day of August, the by-law shall not be effective in respect of the union school section, and the by-law shall be amended accordingly on or before the 30th day of September.

Idem

- (2b) If the other municipalities assent to the inclusion of only a part or parts of the union school section, the by-law shall be effective only in respect of the part or parts, and the by-law shall be amended, if necessary, to conform to the assent, on or before the 30th day of September.

Dissolution
of union
school
section

- (2c) Where the whole or part of a union school section is included in a township school area, the union school section shall be dissolved on the 25th day of December in the year in which the by-law is passed

and

and the provisions of section 17 with respect to the adjustment of rights and claims shall apply, and where only part of the union school section is included the remaining part or parts shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act.

(2) Subsection 4 of the said section 15 is repealed and the following substituted therefor: Rev. Stat., c. 316, s. 15, subs. 4, re-enacted

(4) The council of a township may by by-law add all or part of a school section or union school section to a township school area already established, and the provisions of subsections 1 to 3 shall apply *mutatis mutandis*. Enlargement of areas

(4a) Where a township school area has been established, the council of the township may by by-law passed before the 1st day of July in any year detach from the area all or part of any former school section or union school section, with the assent by resolution, passed before the 31st day of August, of the council of the municipality of which the detached area forms part, and the detached area shall, subject to subsection 3 of section 65, be established as a school section or union school section or shall be added to a township school area or another school section or sections or a union school section or sections in accordance with this Act. Decreasing areas

(3) Subsection 17 of the said section 15 is repealed and the following substituted therefor: Rev. Stat., c. 316, s. 15, subs. 17, re-enacted

(17) Where a township school area comprises one township or part thereof, upon the application of the board of the township school area, the council of the township shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 56 and the provisions of subsections 2, 3, 4 and 6 of section 56 shall apply *mutatis mutandis*. Debentures

(17a) Where a township school area comprises two or more municipalities or parts thereof, the application by the board of the township school area for the issue and sale of debentures shall be made to the council of each such municipality, and if both councils, or Idem

a majority of the councils where there are more than two, approve of the application the council of the municipality in which the school is or is to be situate shall issue the debentures unless the council of one of the other municipalities undertakes to issue the debentures in which case that council shall issue the debentures, and the council which is to issue the debentures shall have the same powers to pass by-laws for borrowing money by the issue and sale of debentures as are conferred on the council of an urban municipality by subsection 1 of section 56, and the provisions of subsections 2 to 6 of section 56 and subsections 4 and 5 of section 58 shall apply *mutatis mutandis*.

Rev. Stat.,
c. 316, s. 26,
re-enacted

4. Section 26 of *The Public Schools Act* is repealed and the following substituted therefor:

Rates, etc.,
where con-
solidated
section
composed of
two or more
municipali-
ties

26. Notwithstanding section 22, where a consolidated school section includes portions of two or more municipalities and has been in existence for a period of at least ten years, the money required to be raised for the purposes of the school shall be raised in the like manner and the assessment upon which rates are levied for consolidated school purposes shall be equalized in the like manner as nearly as may be as in the case of a union school section similarly composed.

Rev. Stat.,
c. 316, s. 44,
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 44 of *The Public Schools Act* is repealed and the following substituted therefor:

Limits of
section,
alterations

(2) The school section shall not exceed thirty-six square miles in area and subject to this restriction the boundaries may, with the approval of the Minister, be altered by the Inspector from time to time.

Rev. Stat.,
c. 316, s. 44,
amended

(2) The said section 44 is amended by adding thereto the following subsection:

Effective
date of
alterations

(3a) Any alteration of the boundaries of a school section under this section shall take effect on the 25th day of December.

Rev. Stat.,
c. 316, s. 44,
subs. 5,
amended

(3) Subsection 5 of the said section 44 is amended by striking out all the words after the word "school" in the seventh line, so that the subsection shall read as follows:

Trustees'
powers and
obligations

(5) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their

election

election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school.

6.—(1) Subsection 2 of section 56 of *The Public Schools Act* is amended by adding at the end thereof the words “under the jurisdiction of the board which requested the issue of the debentures”, so that the subsection shall read as follows: Rev. Stat., c. 316, s. 56, subs. 2, amended

- (2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools under the jurisdiction of the board which requested the issue of the debentures. Chargeable only on property of public school supporters

(2) Subsection 3 of the said section 56 is amended by inserting after the word “schools” in the fifth line the words “under the jurisdiction of the board which requested the vote”, so that the subsection shall read as follows: Rev. Stat., c. 316, s. 56, subs. 3, amended

- (3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools under the jurisdiction of the board which requested the vote, in the manner therein provided, and on the assent of the electors being obtained the council shall pass the by-law and issue the debentures, and it shall not be necessary that the by-law shall be submitted to the electors for their assent. Submission of question to vote of electors
Rev. Stat., c. 243

7.—(1) Subsection 2 of section 58 of *The Public Schools Act* is amended by adding at the end thereof the words “unless the council of any other municipality which or part of which forms part of the union school section undertakes to issue the debentures in which case that council shall issue the debentures”, so that the subsection shall read as follows: Rev. Stat., c. 316, s. 58, subs. 2, amended

- (2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the schoolhouse or school site of the section is situate, and all debentures for the payment of the loan shall be issued by the corporation of that municipality unless the council of any other municipality which or part of which forms part of the union school section undertakes to issue the debentures in which case that council shall issue the debentures. To what council applications for loans to be made

Rev. Stat.,
c. 316, s. 58,
subs. 3,
amended

(2) Subsection 3 of the said section 58 is amended by adding at the end thereof the words "unless the councils of each municipality, or of a majority of the municipalities where there are more than two, which or part of which are included in the union school section have approved of the application", so that the subsection shall read as follows:

Sanction by
ratepayers

(3) The application must be sanctioned by the rate-payers of the school section in the manner set forth in subsection 1 unless the councils of each municipality, or of a majority of the municipalities where there are more than two, which or part of which are included in the union school section have approved of the application.

Rev. Stat.,
c. 316, s. 74,
subs. 4,
amended

8. Subsection 4 of section 74 of *The Public Schools Act* is amended by striking out the word "nomination" in the fifth line and inserting in lieu thereof the words "opening of the nomination meeting", so that the subsection shall read as follows:

Taxes

(4) A person shall not be eligible to be elected as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies, is overdue or unpaid at the time of the opening of the nomination meeting; provided that the provisions of this subsection shall not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property.

Rev. Stat.,
c. 316, s. 77,
subs. 1,
amended

9.—(1) Subsection 1 of section 77 of *The Public Schools Act* is amended by striking out the words "having a population of over 100,000 and" in the first and second lines, so that the first five lines of the subsection shall read as follows:

Election
of public
school
trustees by
general vote

Rev. Stat.,
c. 243

(1) The municipal council of a city in which there is a board of public school trustees, may submit to the electors assessed as public school supporters in the municipality in the manner provided by *The Municipal Act*, a question in the following form:

.

Rev. Stat.,
c. 316, s. 77,
subs. 4,
repealed

(2) Subsection 4 of the said section 77 is repealed.

Rev. Stat.,
c. 316, s. 80,
re-enacted;
s. 81,
repealed

10. Sections 80 and 81 of *The Public Schools Act* are repealed and the following substituted therefor:

Election by
ballot

80.—(1) The board of an urban municipality or a township board shall be elected by ballot, and the election

election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification for office shall *mutatis mutandis* apply to the election. Rev. Stat., c. 243

- (2) A separate set of ballot papers shall be prepared Ballots by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for aldermen or councillors, and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.
- (3) In no case shall a ballot be delivered to any person Idem who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter.

11. Subsection 4 of section 82 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 316, s. 82, subs. 4, re-enacted

- (4) In a city unless the trustees are elected by general vote pursuant to section 77, and in a town divided into wards until a resolution has been passed under subsection 1 of this section, the trustees shall be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards. Election by wards in certain cities and towns

12. Subsections 2 and 3 of section 83 of *The Public Schools Act* are repealed and the following substituted therefor: Rev. Stat., c. 316, s. 83, subs. 2, 3, re-enacted

- (2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote. Vacancies in urban and township area boards

Idem

- (2a) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected; and where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

Idem

- (3) In the case of an urban school board or a township school area board,
- (a) any vacancy which occurs within one month of the time for the next ensuing annual election shall not be filled in the manner provided by subsection 2 or 2a, but the office shall remain vacant until the annual election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at the annual election to fill the vacancy for the remainder of the term;
 - (b) any vacancy which occurs after the annual election but before the new board is organized shall be filled immediately after the new board is organized, in the manner provided in subsection 2 or 2a, as the case may be;
 - (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
 - (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the candidates having the highest rateable assessments within the school section shall hold office for the longer term.

Rev. Stat.,
c. 316, s. 111,
subs. 1,
re-enacted

13.—(1) Subsection 1 of section 111 of *The Public Schools Act* is repealed and the following substituted therefor:

- (1) A memorandum of every contract of employment between a board and a permanent or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

Memorandum of contract

- (2) Subsection 4 of the said section 111 is repealed and the following substituted therefor:

Rev. Stat.,
c. 316, s. 111,
subs. 4,
re-enacted

- (4) A teacher shall be entitled to his salary notwithstanding his absence from duty, on account of sickness certified to by a physician or on account of acute inflammatory condition of the teeth or gums certified to by a licentiate of dental surgery, for a total of twenty school days in any one school year; but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of sickness or such tooth or gum condition.

Payment for
absence due
to illness or
dental
condition

14.—(1) Subsection 1 of section 120a of *The Public Schools Act*, as enacted by section 3 of *The Public Schools Amendment Act, 1951*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 316,
s. 120a,
subs. 1,
(1951, c. 73,
s. 3),
re-enacted

- (1) When the number of teachers employed by a board having jurisdiction in an area consisting of one or more municipalities or one or more parts of municipalities becomes one hundred, the public school board or board of education, as the case may be, may appoint an inspector for the area, and such area shall be designated as a municipal inspectorate.

Municipal
inspector

(2) Subsection 2 of the said section 120a is amended by striking out the word "township" where it occurs the first and second times in the sixth line and inserting in lieu thereof the word "municipal" in each instance, so that the subsection shall read as follows:

Rev. Stat.,
c. 316,
s. 120a,
subs. 2,
(1951 c. 73,
s. 3),
amended

- (2) Where an inspector is appointed under subsection 1, the provisions of sections 119 and 120, except subsections 8 and 9 of section 120, and the provisions of sections 121 to 124, in relation to city inspectors and city inspectorates, shall apply *mutatis mutandis* to the municipal inspector and the municipal inspectorate in which he has jurisdiction.

Application
of ss. 119,
120, 121-124

Rev. Stat.,
c. 316, s. 137,
amended

15. Section 137 of *The Public Schools Act* is amended by adding thereto the following subsection:

Disqualifi-
cation of
municipal
clerk

- (4) The clerk of a municipality shall not be eligible to be a member of a public school board having jurisdiction in the whole or any part of the municipality.

Commence-
ment

16.—(1) This Act, except subsection 3 of section 3 and section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 3 and section 7 shall be deemed to have come into force on the 1st day of January, 1953.

Short title

17. This Act may be cited as *The Public Schools Amendment Act, 1953*.

CHAPTER 91

An Act to amend The Public Service Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21 and 22 of *The Public Service Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 317,
ss. 21, 22,
re-enacted

21. An employee who has not attained the age of sixty years and who is retired by the Lieutenant-Governor in Council may be granted a compensation allowance by the Lieutenant-Governor in Council.

Compensation
allowances

22. The amount of every annual compensation allowance shall be computed by multiplying the average annual salary of the employee during the three consecutive years of his service during which his salary was highest by the total number of full years and any part of a year of continuous employment including any period of temporary employment where the employment has been continuous and the employee has contributed to the fund in respect of such period and by dividing the product so obtained by the divisor shown opposite his age of retirement on the following table:

Computation
of compensation
allowances

Age of Retirement	Divisor
60	50
59	54
58	58
57	62
56	67
55	72
54	77
53	82
52	83
51	94

Age of Retirement	Divisor
50	100
49	106
48	112
47	118
46	125
45 and under	132

Rev. Stat.
c. 317,
amended

2. *The Public Service Act* is amended by adding thereto the following section:

Registrars
of deeds

32a.—(1) This Part shall apply to every registrar of deeds whether paid by fees or by salary and to the permanent staffs of their offices.

Computation
of contribu-
tions and
allowances

(2) Where a registrar of deeds is paid by fees, his contributions payable under this Part shall be computed upon the net income within the meaning of *The Registry Act* for the preceding year in respect of the office occupied by him, and his allowance shall be computed accordingly.

Rev. Stat.,
c. 336

Idem

(3) Where a registrar's income is supplemented under section 108 of *The Registry Act*, the amount of such supplement shall not be included in arriving at his net income for the purpose of computing the amount of his contributions payable under this Part.

Contribu-
tions to be
paid
monthly

(4) Every registrar of deeds shall pay monthly to the Fund from the fees of his office an amount equal to the contributions in respect of present services that is due to the Fund by himself and by the members of the permanent staff of his office, and where such fees are insufficient to pay such contributions the balance shall be paid to the Fund from the Consolidated Revenue Fund.

Rev. Stat.,
c. 317, s. 35,
subss. 1, 2,
re-enacted;
subss. 3-6,
repealed

3. Subsection 1, as amended by section 2 of *The Public Service Amendment Act, 1951*, and subsections 2, 3, 4, 5 and 6 of section 35 of *The Public Service Act* are repealed and the following substituted therefor:

Service
credits of
teachers
who have
become
employees

(1) Every person who was a contributor to the Teachers' Superannuation Fund and who is an employee on the 1st day of July, 1953, and whose contributions and credits in the Teachers' Superannuation Fund have been transferred to the Fund, shall receive service

credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

- (2) Where a person who was a contributor to the Teachers' Superannuation Fund becomes an em-^{Service credits of teachers who become employees}ployee after the 1st day of July, 1953, an amount equal to his contributions and credits in the Teachers' Superannuation Fund with accumulated interest shall be transferred to the Fund and thereupon he shall receive service credit to the extent of 70 per cent of his service credit in the Teachers' Superannuation Fund, but in no case shall the number of years of service credit so obtained exceed twenty years.

4. This Act comes into force on the 1st day of July, 1953. <sup>Commence-
ment</sup>

5. This Act may be cited as *The Public Service Amendment Act, 1953*. ^{Short title}

CHAPTER 92

An Act to amend The Regulations Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Regulations Act* is amended by striking out the words "and a published regulation shall be judicially noticed" in the seventh line and inserting in lieu thereof the words "and judicial notice shall be taken of a published regulation, of its contents and of its publication", so that the subsection shall read as follows:

- (4) Publication of a regulation shall, Rev. Stat.,
c. 337, s. 3,
subs. 4,
amended
- (a) be *prima facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and
- (b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and judicial notice shall be taken of a published regulation, of its contents and of its publication.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Regulations Amendment Act, 1953*. Short title

CHAPTER 93

An Act respecting Rent Control

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means city, town, village or township;
- (b) "Regulations" means the Wartime Leasehold Regulations made under the authority of *The Leasehold Regulations Act, 1951*, c. 46.

2.—(1) The council of any municipality in which the Regulations are in force on the day this Act comes into force may pass by-laws,

Power of
municipality
to adopt
Regulations

- (a) adopting such Regulations as are in force in the municipality on the 1st day of March, 1954, and declaring them in force in the municipality;
- (b) creating a rental authority and providing for the administration and enforcement of the Regulations;
- (c) revoking, amending, remaking or substituting for, any of the Regulations.

(2) By-laws may be passed under this section with respect to the whole municipality or one or more defined areas thereof.

Application
of municipi-
pality

3. Anything done before the 2nd day of March, 1954, under and in accordance with the Regulations in respect of any dwelling-place in a municipality shall be deemed to have been done under and in accordance with the Regulations as adopted or as amended or remade by a by-law passed by such municipality.

Conflict of
provisions

4. Where there is conflict between the Regulations as adopted or as amended or remade by a by-law of a municipality and any other law in force in the municipality, the provisions of the Regulations as adopted or as amended or remade prevail.

1951, c. 46,
repealed

5. *The Leasehold Regulations Act, 1951* is repealed on the 2nd day of March, 1954.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Rent Control Act, 1953*.

CHAPTER 94

**An Act to amend
The Research Council Act, 1948**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Research Council Act, 1948* is amended ^{1948, c. 79, s. 3, amended} by striking out the words "additional term" in the seventh line and inserting in lieu thereof the words "or more additional terms", so that the section shall read as follows:
3. Each member of the Council shall be appointed for a term of three years from the date of his appointment, except that of the first appointments not more than four members may be appointed for four years and not more than four members for five years, so as to establish a system of retirement in rotation, and a member shall be eligible for re-appointment for one or more additional terms of three years. ^{Members, term of appointment}
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Research Council Amendment Act, 1953*. ^{Short title}

CHAPTER 95

An Act to amend The Rural Telephone Systems Act, 1951

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Rural Telephone Systems Act, 1951* is amended by <sup>1951, c. 80,
amended</sup> adding thereto the following section:

2a.—(1) The Commission may appoint a director, a <sup>Officers, etc.,
appoint-</sup> commercial supervisor, an engineering supervisor and such other officers and employees as it deems proper for the purposes of this Act.

(2) In order to assist the Commission in promoting the ^{duties} objects of this Act, it shall be the duty of the officers appointed under subsection 1,

(a) to inquire into the communication needs of the Province, both immediate and future, and to co-operate with and assist the companies in establishing adequate facilities;

(b) to co-operate with and assist the smaller companies to amalgamate with others in order to form companies of sufficient size to permit efficient operation and to provide adequate service;

(c) to provide engineering and other technical advice to companies; and

(d) to develop a system of accounting best suited to small companies and to promote and assist in its adoption.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Rural Telephone Systems* ^{Short title} *Amendment Act, 1953.*

CHAPTER 96

The School Trustees' and Teachers' Boards of Reference Act, 1953

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means board of reference;
- (b) "contract" means a contract of employment between a teacher and a school board in accordance with the Acts and regulations administered by the Minister;
- (c) "employed" means engaged as a permanent teacher by a school board;
- (d) "judge" means judge of a county or district court;
- (e) "Minister" means Minister of Education;
- (f) "school board" means board of public school trustees, board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (g) "teacher" means a person qualified to teach in a public school, separate school, continuation school, high school, collegiate institute or a school to which *The Vocational Education Act* applies, and employed as a permanent teacher by a school board, in accordance with the Acts and regulations administered by the Minister. R.S.O. 1950, c. 383, s. 1, *amended*. Rev. Stat.,
c. 413

2.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a school board shall be by notice in writing which shall state the reasons therefor. Termination
of employ-
ment, by
school board

(2) Where a teacher is employed by a school board, the termination of such employment by the teacher shall be by by teacher

notice in writing in accordance with the terms of the contract.
R.S.O. 1950, c. 383, s. 2 (1), *amended*.

Application
for Board

(3) Notwithstanding anything in any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the school board or teacher in a manner not mutually agreeable, the teacher or school board may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board stating the disagreement. R.S.O. 1950, c. 383, s. 2 (2), *amended*.

Service of
notice

(4) The applicant shall send a copy of the application by registered letter to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1950, c. 383, s. 2 (3), *amended*.

Appointment
in place of
teacher
dismissed

3.—(1) A school board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until,

- (a) the time prescribed for applying for a Board has elapsed and the teacher has not applied for a Board and sent a copy of the application to the school board, as provided in section 2;
- (b) the school board has received from the teacher notice in writing that no application will be made under section 2;
- (c) the school board has received from the Minister notice in writing that an application made by the teacher under section 2 has been withdrawn;
- (d) the school board has received from the Minister notice in writing that he has refused an application made by the teacher under section 2;
- (e) the school board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 4; or
- (f) the school board has received from the Minister a direction under section 7 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1950, c. 383, s. 3 (1), *amended*.

(2) A teacher who terminates an engagement in a manner ^{Contract after termination of engagement of teacher} not agreeable to the school board shall not enter into a contract of employment with another school board after the teacher has received notice of the application of the school board for a Board until,

- (a) the teacher has received from the Minister notice in writing that an application made by the school board under section 2 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the school board under section 2;
- (c) the teacher has received from the Minister notice in writing that the school board, being the applicant, has failed to comply with the requirements of subsection 3 of section 4; or
- (d) the teacher has received from the Minister a direction under section 7 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1950, c. 383, s. 3 (2), *amended*.

4.—(1) Upon receipt of an application for a Board, the ^{Application for board of reference} Minister shall send notice of the application by registered letter to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

- (a) refuse to grant the Board; or
- (b) grant the Board and direct a judge to act as chairman thereof. R.S.O. 1950, c. 383, s. 4 (1), *amended*.

(2) Before directing a judge to act as chairman of a Board, the Minister may require the applicant to furnish security ^{Security for costs} for costs in such amount and in such form as he may deem advisable. R.S.O. 1950, c. 383, s. 4 (2).

(3) Upon directing a judge to act as chairman of a Board, the Minister shall cause notice thereof to be sent by registered ^{Naming of representatives} letter to the school board and teacher involved in the disagreement and the notice shall require each of them to name a representative to the Board and to notify the Minister of such nomination by registered letter within ten days of the sending of the notice by the Minister. R.S.O. 1950, c. 383, s. 4 (3), *amended*.

Failure to
name repre-
sentatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered letter to the other party to the disagreement.

Idem

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract.

Failure of
representa-
tives to
appear

(6) If the representative of the school board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board shall name a representative for the school board or teacher, as the case may be. R.S.O. 1950, c. 383, s. 4 (4), *amended*.

Place and
time of
hearing

5. The chairman of the Board shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1950, c. 383, s. 5, *amended*.

Duty to
inquire
and powers
of judge
Rev. Stat.,
c. 308

6.—(1) The Board shall inquire into the matter in dispute and for such purpose the chairman shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Meetings
in camera

(2) The meetings of the Board shall be held *in camera*. R.S.O. 1950, c. 383, s. 6, *amended*.

Board of
reference
to report

7.—(1) Upon the completion of the hearing, the Board shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it deems advisable. R.S.O. 1950, c. 383, s. 7, *amended*.

Notice of
direction

(2) The Minister shall cause a copy of the direction of the Board and of its report, including recommendations if any, to be sent by registered letter to the school board and the teacher within seven days of the receipt of the Board's report, and shall direct the implementation of the Board's direction. R.S.O. 1950, c. 383, s. 8, *amended*.

Direction
of Board

8.—(1) The direction of the Board under section 7 shall be binding upon the school board and the teacher. R.S.O. 1950, c. 383, s. 9, *amended*.

Failure to
comply with
direction
of Board

(2) If a school board fails to comply with the direction of the Board under section 7, any amounts then or thereafter payable to the school board under the authority of any Act

of the Legislature shall not be paid to the school board until it has complied with the direction.

(3) If a teacher fails to comply with the direction of the ^{Idem} Board under section 7, the Minister shall suspend the certificate of qualification of the teacher for such period as he may deem advisable. R.S.O. 1950, c. 383, s. 10, *amended*.

9. Subject to the regulations, the chairman of the Board shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1950, c. 383, s. 11, *amended*. ^{Payment of costs}

10. The Lieutenant-Governor in Council may make regu- ^{Regulations} lations,

- (a) fixing the remuneration of chairman and members of boards of reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 383, s. 12.

11. *The Teachers' Boards of Reference Act* is repealed. ^{Rev. Stat., c. 383, repealed}

12. This Act comes into force on the day it receives ^{Commence-} Royal Assent. ^{ment}

13. This Act may be cited as *The School Trustees' and Teachers' Boards of Reference Act, 1953*. ^{Short title}

CHAPTER 97

An Act to amend The Securities Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of section 1 of *The Securities Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 351, s. 1,
cl. *g*, re-
enacted

(*g*) “investment counsel” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others as to the advisability of investing in or purchasing or selling specific securities and who is primarily engaged in giving continuous advice as to the investment of funds on the basis of the individual needs of each client.

(2) The said section 1 is amended by adding thereto the following clause: Rev. Stat.,
c. 351, s. 1,
amended

(*pp*) “securities adviser” means any person or company who engages in or holds himself or itself out as engaging in the business of advising others, either directly or through publications or writings, as to the advisability of investing in or purchasing or selling specific securities.

2.—(1) Clause *d* of subsection 1 of section 6 of *The Securities Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 351, s. 6,
subs. 1, cl. *d*,
re-enacted

(*d*) act as investment counsel or securities adviser unless such person or company is registered as an investment counsel or securities adviser, as the case may be.

(2) Subsection 2 of the said section 6 is amended by striking out the words “or investment counsel” in the second line and in the fourth and fifth lines and inserting in lieu thereof in each instance the words “investment counsel or securities adviser”, so that the subsection shall read as follows:

Where
separate
registration
of partners,
officers and
officials not
required

- (2) Where a person or company is registered as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, every partner or officer of such person or company may act as a broker, investment dealer, broker-dealer, investment counsel or securities adviser, as the case may be, on behalf of such person or company, without separate registration and where a company is registered as a security issuer the officials thereof may act on its behalf in connection with a trade in a security by such company without separate registration.

Rev. Stat.,
c. 351, s. 14,
subs. 1,
amended

3.—(1) Subsection 1 of section 14 of *The Securities Act* is amended by inserting after the words “investment counsel” in the eighth line the words “securities adviser”, so that the subsection shall read as follows:

Residence

- (1) Registration may, in the absolute discretion of the Commission, be refused to any person who has not been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario, unless at the time of application such person is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

Rev. Stat.,
c. 351, s. 14,
subs. 2,
amended

(2) Subsection 2 of the said section 14 is amended by inserting after the words “investment counsel” in the ninth line the words “securities adviser”, so that the subsection shall read as follows:

Idem

- (2) Where a company or partnership makes application for registration, the registration may, in the absolute discretion of the Commission, be refused, unless every officer and director, or every member, as the case may be, has been a resident of Ontario for at least one year immediately prior to the date of application for registration with the intention of making his permanent home in Ontario or is registered in a capacity corresponding to that of a broker, investment dealer, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser or salesman under the security laws of the jurisdic-

tion in which he last resided and has been so registered for a period of not less than one year immediately preceding the date of the application and is otherwise suitable for registration.

4. Subsection 3 of section 16 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "and securities adviser", so that the subsection shall read as follows: Rev. Stat.,
c. 351, s. 16,
subs. 3,
amended

- (3) Every registered investment counsel and securities adviser shall, within five days, notify the registrar in writing of, Investment
counsel;
securities
advisers
- (a) any change of the address for service; and
- (b) any change in the officers or members in the case of a company or partnership.

5.—(1) Section 18 of *The Securities Act* is amended by inserting after the words "investment counsel" in the first line the words "or securities adviser", so that the section, exclusive of the clauses, shall read as follows: Rev. Stat.,
c. 351, s. 18,
amended

18. Registration as an investment counsel or securities adviser shall not be required to be obtained by, Exemption
from regis-
tration as
investment
counsel or
securities
adviser
-

(2) Clause *d* of the said section 18 is amended by inserting after the words "investment counsel" in the fifth line the words "or securities adviser", so that the clause shall read as follows: Rev. Stat.,
c. 351, s. 18,
cl. d,
amended

- (d) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an investment counsel or securities adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commissions or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or certain
publishers
-

6. Subsection 3 of section 19 of *The Securities Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 351, s. 19,
subs. 3,
re-enacted

Where
exemptions
not to apply

- (3) Where a person or company has been guilty of acts or conduct which, in the opinion of the Commission, would warrant the Commission refusing to grant registration to him or it under this Act, the Commission may rule that subsections 1 and 2 shall not apply to him or it.

Rev. Stat.,
c. 351, s. 56,
re-enacted

7. Section 56 of *The Securities Act* is repealed and the following substituted therefor:

Disclosure
of financial
interest by
investment
counsel and
securities
advisers

56. Every registered investment counsel and securities adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him or it, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest which he or it may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof including,

- (a) any ownership, beneficial or otherwise, which he or it may have in such securities or in any securities issued by the same company;
- (b) any option which he or it may have in respect of such securities, and the terms thereof;
- (c) any commission or other remuneration which he or it has received or may expect to receive from any person or company registered for trading in securities under this Act or otherwise in connection with any trade in such securities;
- (d) any financial arrangement which he or it may have with any person or company registered for trading in securities under this Act relating to such securities; and
- (e) any financial arrangement which he or it may have with any underwriter or other person who has any interest in the securities.

Rev. Stat.,
c. 351, s. 63,
amended

8. Section 63 of *The Securities Act* is amended by adding thereto the following subsections:

Parties to
offences

- (3) Every person or company is a party to and guilty of an offence under this Act,

(a)

- (a) that actually commits the offence;
- (b) that does or omits an act for the purpose of aiding another person or company in the commission of the offence;
- (c) that abets another person or company in the commission of the offence; or
- (d) that counsels or procures another person or company to commit the offence.

(4) Every person or company that counsels or procures^{Idem} another person or company to be a party to an offence under this Act of which that other person or company is afterwards guilty is a party to that offence, although it may be committed in a way different from that which was counselled or procured.

(5) Every person or company that counsels or procures^{Idem} another person or company to be a party to an offence under this Act is a party to every other offence under this Act which that other person or company commits in consequence of such counselling or procuring and which the person or company counselling or procuring knew, or ought to have known, to be likely to be committed in consequence of such counselling or procuring.

9. Clause *f* of section 71 of *The Securities Act* is amended^{Rev. Stat., c. 351, s. 71, cl. *f*, amended} by adding at the end thereof the words "or securities adviser", so that the clause shall read as follows:

- (*f*) designating any person or company or any class of persons or companies which shall not be required to obtain registration as investment counsel or securities adviser.

10. This Act may be cited as *The Securities Amendment*^{Short title} Act, 1953.

CHAPTER 98

An Act to amend The Separate Schools Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 85 of *The Separate Schools Act* Rev. Stat., c. 356, s. 85, subs. 3, amended is amended by striking out the words "the 24th day of May" in the first and second lines and inserting in lieu thereof the words "Victoria Day", so that the subsection shall read as follows:

- (3) Every Saturday, every public holiday, Victoria Day, Holidays the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* Rev. Stat., c. 306 or the regulations of the Department, shall be a school holiday.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Separate Schools Amend-
ment Act, 1953.* Short title

CHAPTER 99

An Act to repeal The Ski Tows Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ski Tows Act* is repealed.

Rev. Stat.,
c. 364,
repealed
2. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment
3. This Act may be cited as *The Ski Tows Repeal Act, 1953*.

Short title

CHAPTER 100

An Act to amend The Succession Duty Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Succession Duty Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 378, s. 4,
amended

- (4) Where a charitable organization makes any payment for religious or educational purposes to any religious or educational organization which carries on its work solely in Canada, it shall not merely by reason of making such payment be deemed to carry on its work outside Ontario and such payment shall not be deemed to be an expenditure for carrying on its work. Charitable
organizations

2. Section 6 of *The Succession Duty Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 378, s. 6,
amended

- (5) Where, Reduction

- (a) any of the property to which clause *a* of section 1 applies passes to or for the benefit of any person or persons mentioned in subsection 1 and any of the dispositions to which clause *a* of section 1 applies are made to him or them; and
- (b) duty is levied on the proportion of the property so passing to or for the benefit of such person or persons and on him or them and such duty is payable by him or them; and
- (c) the amount of the duty levied on the proportion of such property so passing to or for the benefit of any one of such persons and on him is greater than an amount equal to the amount obtained by,

(i)

- (i) multiplying the amount by which the aggregate value exceeds \$50,000 by the sum of the amount of the value of such property so passing to him and of such dispositions made to him, and
- (ii) dividing the product thereof by the aggregate value,

the amount of the duty mentioned in clause *c* shall be reduced to the amount obtained under subclauses i and ii of clause *c*.

Rev. Stat.,
c. 378,
amended

3. *The Succession Duty Act* is amended by adding thereto the following section:

Effect of
order under
Rev. Stat.,
c. 101

17*a*. Where an order is made under section 2 of *The Dependants' Relief Act*, the deceased shall be deemed by his will to have directed that the money or other property directed by the order to be paid, delivered, transferred, conveyed or assigned, be paid, delivered, transferred, conveyed or assigned to the person for whose maintenance the allowance is by the order made.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Succession Duty Amendment Act, 1953*.

CHAPTER 101

An Act to amend The Summary
Convictions Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 4 of *The Summary Convictions Act* is amended by striking out the figures “10” in the third line and inserting in lieu thereof the word “fifteen”, so that the subsection shall read as follows:

Rev. Stat.
c. 379, s. 4,
subs. 5,
amended

(5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it by prepaid post or by personal service within fifteen days of the alleged violation.

Time for
service for
violation of
Rev. Stat.,
c. 167

(2) Subsection 9 of the said section 4 is amended by striking out the word “ten” in the third line and inserting in lieu thereof the word “fifteen”, so that the subsection shall read as follows:

Rev. Stat.,
c. 379, s. 4,
subs. 9,
amended

(9) Where a summons issued under subsection 8 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within fifteen days of the date on which the person is required to appear by the original summons.

Time for
service of
second sum-
mons for
violation of
Rev. Stat.,
c. 167

2. *The Summary Convictions Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 379,
amended

7a. Where a person is convicted of an offence and under the relevant Act the convicting justice has no option but must impose a term of imprisonment upon the offender, the justice may, notwithstanding that Act, impose a penalty of not more than \$1,000 in lieu of such imprisonment.

Fine in
lieu of
imprison-
ment

3. This Act, except section 1, comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Summary Convictions Amendment Act, 1953*.

Short title

CHAPTER 102

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1953, and for the Public Service for the fiscal year ending the 31st day of March, 1954

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
Louis Orville Breithaupt, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1953, and for the fiscal year ending the 31st day of March, 1954, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. There may be paid out of the Consolidated Revenue \$21,500,000
Fund a sum not exceeding in the whole \$21,500,000 to be granted for
applied towards defraying the several charges and expenses fiscal year
of the public service, not otherwise provided for, from the 1952-53
1st day of April, 1952, to the 31st day of March, 1953, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

2. There may be paid out of the Consolidated Revenue \$368,463,650
Fund a sum not exceeding in the whole \$368,463,650 to be granted for
applied towards defraying the several charges and expenses fiscal year
of the public service, not otherwise provided for, from the 1953-54
1st day of April, 1953, to the 31st day of March, 1954, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such Schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act out of the Consolidated Revenue Fund shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1953*.

SCHEDULE A

Education Department.....	\$ 3,000,000.00
Health Department.....	8,500,000.00
Highways Department.....	10,000,000.00
	<hr/>
	\$21,500,000.00

SCHEDULE B

Agriculture Department.....	\$ 9,104,000.00
Attorney-General's Department.....	11,129,600.00
Education Department.....	74,181,000.00
Health Department.....	46,387,000.00
Highways Department.....	122,578,000.00
Insurance Department.....	153,000.00
Labour Department.....	11,151,000.00
Lands and Forests Department.....	13,400,000.00
Lieutenant-Governor's Office.....	20,000.00
Mines Department.....	2,081,900.00
Municipal Affairs Department.....	4,300,500.00
Planning and Development Department.....	1,256,000.00
Prime Minister's Office.....	281,000.00
Provincial Auditor's Office.....	257,500.00
Provincial Secretary's Department.....	1,455,000.00
Provincial Treasurer's Department.....	4,165,000.00
Public Welfare Department.....	26,814,150.00
Public Works Department.....	29,479,000.00
Reform Institutions Department.....	8,535,000.00
Travel and Publicity Department.....	1,485,000.00
Miscellaneous.....	250,000.00

Total estimate of expenditure for the fiscal
year 1953-54.....\$368,463,650.00

CHAPTER 103

An Act to amend The Teachers' Superannuation Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause i of clause *d* of section 1 of *The Teachers' Superannuation Act* is amended by striking out the words "provincial normal school" in the third line, so that the subclause shall read as follows: Rev. Stat.,
c. 384, s. 1,
cl. *d*, subcl. i,
amended

(i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute or a school to which *The Vocational Education Act* applies. Rev. Stat.,
c. 413

(2) Subclause v of clause *d* of the said section 1, as amended by subsection 2 of section 1 of *The Teachers' Superannuation Amendment Act, 1951*, is further amended by striking out the words "any normal school in Ontario" in the first and second lines and inserting in lieu thereof the words "a teachers' college", so that the subclause shall read as follows: Rev. Stat.,
c. 384, s. 1,
cl. *d*,
subcl. v,
amended

(v) as a teacher on the instructional staff of a teachers' college, the Ontario College of Education, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or any railway-car school where the teacher has contributed to the fund for a period of at least one year.

(3) Subclause xii of clause *d* of the said section 1 is amended by inserting after the word "contributor" in the first line the words "to the Public Service Retirement Fund or", so that the subclause shall read as follows: Rev. Stat.,
c. 384, s. 1,
cl. *d*,
subcl. xii,
amended

(xii) is a contributor to the Public Service Retirement Fund or to any fund to which the Crown contributes except the fund under this Act.

Rev. Stat.,
c. 384, s. 5,
subs. 3,
amended

2. Subsection 3 of section 5 of *The Teachers' Superannuation Act* is amended by striking out the words "1st day of July, 1951" in the second and third lines and inserting in lieu thereof the words "31st day of December, 1954", so that the subsection shall read as follows:

Actuarial
valuation

- (3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 31st day of December, 1954, but the Minister may direct an additional valuation to be made at any time.

Rev. Stat.,
c. 384, s. 7,
subss. 2, 3, 4,
re-enacted;
subs. 5,
repealed

3. Subsections 2, 3, 4 and 5 of section 7 of *The Teachers' Superannuation Act* are repealed and the following substituted therefor:

1952 issue
of 40-year
Ontario
Government
stock
confirmed

- (2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000 dated the 1st day of November, 1952, and bearing interest at the rate of $4\frac{1}{2}$ per cent per annum payable half-yearly and maturing on the 1st day of November, 1992, and being a charge on the Consolidated Revenue Fund, is confirmed.

Annual
debentures
1952-1962
authorized

- (3) In each year during the period commencing the 1st day of November, 1952, and ending on the 1st day of November, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 1st day of November, 1962, and to bear interest at the rate of $4\frac{1}{2}$ per cent per annum payable half-yearly.

1962 issue
of 40-year
Ontario
Government
stock
authorized

- (4) On the 1st day of November, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 3, such debentures or stock to become due and payable on the 1st day of November, 2002, and to bear interest at the rate of $4\frac{1}{2}$ per cent per annum payable half-yearly.

Rev. Stat.,
c. 384, s. 18,
subs. 2,
re-enacted

4. Subsection 2 of section 18 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

- (2) Every board and other authority shall report to the Commission at the beginning of each calendar year as to the contributions it deducted in the next preceding calendar year. Report of contributions

5. Section 23 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 23, re-enacted

23. All sums placed to the credit of the fund during a fiscal year under subsection 1 of section 18 and section 22 shall be deemed to have been credited to the fund as of the 1st day of June in the preceding fiscal year, and the Treasurer shall pay interest thereon at the rate of 4 per cent for the period between that day and the last day of the fiscal year in which the sums were actually received. Interest

6. Subsection 2 of section 24 of *The Teachers' Superannuation Act* is amended by striking out the word "and" at the end of clause *b* and by striking out clause *c*. Rev. Stat., c. 384, s. 24, subs. 2, amended

7. Subsection 2 of section 25 of *The Teachers' Superannuation Act* is amended by striking out the words, symbol and figures "or more than \$3,000" in the third line, so that the subsection shall read as follows: Rev. Stat., c. 384, s. 25, subs. 2, amended

- (2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600. Amount

8. Subsection 2 of section 26 of *The Teachers' Superannuation Act* is amended by striking out the words, symbol and figures "or more than \$3,000" in the sixth line, so that the subsection shall read as follows: Rev. Stat., c. 384, s. 26, subs. 2, amended

- (2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600. Amount

9. Subsection 2 of section 27 of *The Teachers' Superannuation Act* is amended by striking out the words, symbol and figures "or more than \$3,000" in the fifth and sixth lines, so that the subsection shall read as follows: Rev. Stat., c. 384, s. 27, subs. 2, amended

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed in subsection 2 of section 24 but shall be subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600.

Rev. Stat.,
c. 384, s. 28,
subs. 2,
amended

10. Subsection 2 of section 28 of *The Teachers' Superannuation Act* is amended by striking out the words, symbol and figures "or more than \$3,000" in the third line, so that the subsection shall read as follows:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600.

Rev. Stat.,
c. 384, s. 29,
subs. 2,
amended

11. Subsection 2 of section 29 of *The Teachers' Superannuation Act* is amended by striking out the words, symbol and figures "or more than \$3,000" in the sixth line, so that the subsection shall read as follows:

Amount

- (2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600.

Rev. Stat.,
c. 384, s. 31,
subs. 4, cl. c,
amended

12. Clause *c* of subsection 4 of section 31 of *The Teachers' Superannuation Act* is amended by striking out the word "this" at the commencement and inserting in lieu thereof the article "the".

Rev. Stat.,
c. 384, s. 38,
subs. 1,
amended

13. Subsection 1 of section 38 of *The Teachers' Superannuation Act* is amended by striking out the words "or dependant's" in the second line, so that the subsection shall read as follows:

Re-employ-
ment

- (1) Where a person who is receiving a superannuation allowance becomes employed upon either a temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs.

Rev. Stat.,
c. 384, s. 39,
subs. 1,
amended

14. Subsection 1 of section 39 of *The Teachers' Superannuation Act* is amended by striking out the words

"or

“or dependant’s” in the second line, so that the subsection shall read as follows:

- (1) Where a person who is receiving a superannuation allowance becomes employed, Re-employment, effect

(a) the allowance shall cease to be paid; and

(b) he shall contribute to the fund during the period that he is employed.

15. Subsection 2 of section 40 of *The Teachers' Superannuation Act* is repealed. Rev. Stat., c. 384, s. 40, subs. 2, repealed

16. Subsection 1 of section 46 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 46, subs. 1, re-enacted

- (1) A person who was employed for five or more school years and ceased to be employed by withdrawing from the profession before the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund with interest at the rate of $1\frac{1}{2}$ per cent per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949. Refunds to persons who ceased teaching before March 31st, 1949

- (1a) A person who was employed after the 1st day of April, 1949, for twenty or more days in any school year and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed. Refunds to persons who ceased teaching after April 1st, 1949

17. Section 48 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: Rev. Stat., c. 384, s. 48, re-enacted

- 48.—(1) A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment may be so reinstated by paying into the fund within five years from the date he commenced the subsequent period of employment, the amount of contributions previously refunded to him, with interest at the rate of $4\frac{3}{4}$ per cent per annum compounded half-yearly for

the

the period from the date of his return to employment until the date of the completion of his repayment of the withdrawal, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment.

Idem

- (2) A person who has withdrawn his contributions from the fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the fund in respect of his former period of employment may be so reinstated by paying into the fund before the 1st day of April, 1954, the amount of contributions previously refunded to him, and any disability or superannuation allowance or other payment out of the fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid, and if he does not comply with this section he shall have no interest in the fund in respect of his former period of employment.

Two years of subsequent teaching required for eligibility for "C" or "CB" or "D" pension

- (3) No person who has withdrawn his contributions from the fund and is subsequently employed and elects to be reinstated in the fund under subsection 1 or 2 shall be eligible for a disability allowance under section 28 or 29, nor shall his dependants be eligible for a dependant's allowance under section 31 until he has completed two years of employment after his return to employment.

Rev. Stat., c. 384, s. 49, repealed

18. Section 49 of *The Teachers' Superannuation Act* is repealed.

Rev. Stat., c. 384, s. 50, amended

19. Section 50 of *The Teachers' Superannuation Act* is amended by inserting after the word "interest" in the fifth line the words "on each amount for the period of time it was in the fund", so that the section shall read as follows:

Event of death

50. Where a person who ceased to be employed before he has been employed for a period of five school years dies within two years of such cessation of employment, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest on each amount for the period of time it was in the fund to the date of death at the rate of 3 per cent per annum compounded half-yearly.

20. Section 51 of *The Teachers' Superannuation Act* is amended by striking out the words "becomes employed" in the second line and inserting in lieu thereof the words "was employed before the 1st day of April, 1949", so that the section shall read as follows:

Rev. Stat.,
c. 384, s. 51,
amended

51. Where a person who is in receipt of a superannuation allowance was employed before the 1st day of April, 1949, no refund in respect of his contributions made after his return to employment shall be made except upon his death.

Return to
employment

21. Section 52 of *The Teachers' Superannuation Act* is amended by striking out the figures "49" in the first line and inserting in lieu thereof the figures "46", so that the section shall read as follows:

Rev. Stat.,
c. 384, s. 52,
amended

52. Notwithstanding sections 46, 50 and 51, a person who has been employed for fewer than 20 days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest.

When
employed
less than
20 days

22. Section 53 of *The Teachers' Superannuation Act* is amended by inserting after the word "interest" in the sixth line the words "on each amount for the period of time it was in the fund", so that the section shall read as follows:

Rev. Stat.,
c. 384, s. 53,
amended

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest on each amount for the period of time it was in the fund to the date of death at the rate of 3 per cent per annum compounded half-yearly.

Death before
receiving
allowance

23. Section 54 of *The Teachers' Superannuation Act* is amended by inserting after the word "interest" in the fifth line the words "on each amount for the period of time it was in the fund", so that the section shall read as follows:

Rev. Stat.,
c. 384, s. 54,
amended

54. Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest on each amount for the period of time it was in the fund to the date of death at the rate of 3 per cent per annum compounded half-yearly,

Death after
becoming
entitled to
allowance

reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of 3 per cent per annum compounded half-yearly.

Rev. Stat.,
c. 384, s. 55,
amended

24. Section 55 of *The Teachers' Superannuation Act* is amended by inserting after the word "interest" in the fourth line the words "on each amount for the period of time it was in the fund", so that the section shall read as follows:

Refund
where
disability
allowance
ceased to
be paid

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest on each amount for the period of time it was in the fund at the rate of 3 per cent per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of 3 per cent per annum compounded half-yearly.

Rev. Stat.,
c. 384, s. 56,
amended

25. Section 56 of *The Teachers' Superannuation Act* is amended by inserting after the word "interest" in the sixth line the words "on each amount for the period of time it was in the fund", so that the section shall read as follows:

Refund
where
dependant's
allowance
less than
contribu-
tions

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at 3 per cent per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the fund at 3 per cent per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

Rev. Stat.,
c. 384, s. 57,
cl. o,
re-enacted

26.—(1) Clause o of section 57 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

(o) governing persons who have been absent from duty,

- (i) because of ill-health,
- (ii) because of pregnancy,
- (iii) because of duties as jurors,
- (iv) because of duties as members of the Legislative Assembly of Ontario,

(v)

(v) for the purpose of taking a course of study designated by the regulations or approved by the Commission, or

(vi) for a period of sabbatical leave under the by-law of the employing board,

and providing for and regulating the payment of contributions to the fund in respect of such periods of absence.

(2) The said section 57 is amended by adding thereto the following clause: Rev. Stat.,
c. 384, s. 57,
amended

(*pp*) prescribing the conditions under which credit may be given under the Act for any period not exceeding five years of teaching or inspectorial service performed in a foreign country, and prescribing the amount of such credit.

(3) The said section 57 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 384, s. 57,
amended

(2) Where a person has been engaged as a teacher in Ontario and in another part of Canada or of the British Commonwealth of Nations for a period of time which, if the whole period had been served in Ontario would have entitled him to a superannuation allowance under this Act, and if reciprocal arrangements satisfactory to the Lieutenant-Governor in Council are made by the authority having jurisdiction in that other part, the Lieutenant-Governor in Council may make regulations providing for the payment to such person of a superannuation allowance under this Act, which shall bear the same ratio to the allowance to which he would have been entitled if all of his teaching had been done in Ontario, at the rates of salary he did in fact receive, as the number of his years of teaching in Ontario bears to the total number of his years of teaching. Idem

27. Any person who held an interim teaching certificate between the 1st day of September, 1930, and the 1st day of June, 1934, and left employment for the purpose of attending a normal school for a second year in accordance with the regulations then in force and who returned to teaching for at least twenty days in a school year may receive credit in the Teachers' Superannuation Fund in respect of such year at normal school by contributing to the fund before the 30th day of June, 1955, or within one year from the date of re-employment Right of contribution of special group for second year at normal school

ment following the coming into force of this section, whichever is the later date, an amount calculated at the rate of $2\frac{1}{2}$ per cent on the amount of the salary he was receiving immediately before so attending with interest at the rate of $4\frac{3}{4}$ per cent per annum compounded half-yearly.

Application
of removal
of maximum
allowances

28. The removal of the maximum amount of allowances effected by this Act applies to all allowances now being paid or hereafter granted, and all allowances now being paid shall be reviewed and, where necessary, recomputed as though a maximum amount had not applied thereto and shall be paid accordingly from and after the 1st day of April, 1953.

Commence-
ment

29.—(1) Except as provided in subsections 2 and 3, this Act comes into force on the 1st day of April, 1953.

Idem

(2) Section 4 comes into force on the 1st day of January, 1954, and the first return thereunder is due at the beginning of 1955 as to contributions deducted in 1954 and every board and other authority shall report to the Commission at the beginning of 1954 as to the contributions it deducted from the 1st day of September, 1953, to the 31st day of December, 1953.

Idem

(3) Section 6 comes into force on the 1st day of January, 1955.

Short title

30. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1953*.

CHAPTER 104

The Theatres Act, 1953

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means Board of Censors appointed under this Act;
- (b) "Director" means Director appointed under this Act;
- (c) "film" means moving picture film 16 millimetres or more in width;
- (d) "film depot" means any building or premises in which film is assembled for shipment;
- (e) "film exchange" means a 16-millimetre film exchange or a standard film exchange;
- (f) "inspector" means inspector appointed under this Act;
- (g) "projection equipment" means projectors, generators, rectifiers, rheostats, rewinding and revising apparatus, sound equipment and any other apparatus or equipment used in connection with the projection of moving pictures;
- (h) "projectionist" means a person who operates a projector;
- (i) "projection room" means the room in which the projectors and sound equipment are installed and includes the rewind room, generator room and toilet room directly connected with or adjacent to the room in which the projector and sound equipment are installed;

(j)

- (j) "projector" means any type of machine used for the projection of moving pictures;
- (k) "reel" means 1,000 feet or less in length of standard film or 400 feet or less in length of film 16 millimetres in width;
- (l) "regulations" means regulations made under this Act;
- (m) "16-millimetre film exchange" means the business of renting, leasing, selling or distributing film 16 millimetres in width;
- (n) "standard film" means film 35 millimetres or more in width;
- (o) "standard film exchange" means the business of renting, leasing, selling or distributing standard film;
- (p) "Treasurer" means Treasurer of Ontario. *New.*

Director

2.—(1) The Lieutenant-Governor in Council may appoint a Director to administer and enforce this Act and the regulations and he shall have all the powers of an inspector.

Assistant
Director

(2) The Lieutenant-Governor in Council may appoint an Assistant Director who shall act in lieu of the Director,

(a) in the absence of the Director; or

(b) when so instructed to act by the Director,

and when so acting has all the powers of the Director. *New.*

Board

3.—(1) There shall be a board known as the Board of Censors consisting of the Director who shall be chairman of the Board and the Assistant Director who shall be vice-chairman of the Board and such other persons as the Lieutenant-Governor in Council may appoint.

Powers

(2) The Board has power,

- (a) to censor any film and, when authorized by the person who submits film to the Board for approval, remove by cutting or otherwise from the film any portion thereof that it does not approve of for exhibition in Ontario;

(b)

- (b) subject to the regulations, to approve, prohibit or regulate the exhibition of any film in Ontario;
- (c) to censor any advertising matter in connection with any film or the exhibition thereof;
- (d) subject to the regulations, to approve, prohibit or regulate advertising in Ontario in connection with any film or the exhibition thereof;
- (e) to classify any film as adult entertainment; and
- (f) to carry out its duties under this Act and the regulations. R.S.O. 1950, c. 389, s. 3 (1), *amended*.

(3) The Board may designate one or more of its members ^{Idem} to exercise the powers of the Board under clauses *c* and *d* of subsection 2 and in the exercise of such powers the member or members so designated have a right of entry to any theatre. *New*.

4.—(1) The Lieutenant-Governor in Council may appoint ^{Inspectors} one or more inspectors who shall carry out such duties as may be assigned to them by this Act or the regulations or by the Director.

- (2) It is the duty of an inspector and he has power, ^{Powers and duties}
- (a) to inspect theatres, buildings or premises occupied by film exchanges, projectors and film;
 - (b) to supervise projectionist's examinations and tests;
 - (c) to prohibit the use or exhibition of any film that in his opinion is not safe;
 - (d) to prohibit the use of any projector installed or operated contrary to this Act or the regulations;
 - (e) to seize any projector installed or operated, or any film used or exhibited, contrary to this Act or the regulations;
 - (f) in the performance of his duties to enter any theatre or any building or premises occupied by a film exchange or any building or premises other than a theatre in which standard film is used to exhibit moving pictures. R.S.O. 1950, c. 389, s. 3 (3), *amended*.

Returns to
be made to
Director

5. The Director may require any person having in his possession or under his control films that have been approved by the Board to make a return to the Director showing the number and names of such films and any other information he may require. *New.*

Disposal
of seized
projector
or film

6. Any projector or film seized by an inspector under this Act shall be disposed of as directed by the Treasurer. *New.*

Obstruction
of inspector

7. No person shall obstruct the Director, Assistant Director, a member of the Board or an inspector in the performance of his duties or furnish him with false information. *New.*

Police
officers,
power of
entry

8.—(1) Every constable and other police officer in the performance of his duties may enter any theatre during an exhibition or performance.

Fire
Marshal,
etc.

Rev. Stat.,
c. 140

(2) The Fire Marshal, Deputy Fire Marshal and every district deputy fire marshal, inspector or assistant to the Fire Marshal, appointed or designated under *The Fire Marshals Act* may enter and inspect any theatre. R.S.O. 1950, c. 389, s. 12, *amended.*

Issue of
licences

9. All licences and renewals thereof under this Act shall be issued by the Director. *New.*

Licensee
to be
British
subject,
etc.

10. No licence shall be issued under this Act to an unincorporated person unless such person,

(a) is a British subject; or

(b) has lived in Canada for one year or longer and has filed a declaration of his intention to become a Canadian citizen under *The Canadian Citizenship Act* (Canada). *New.*

1946, c. 15
(Can.)

THEATRES

Classifi-
cation of
theatres

11. Theatres are classified and defined as follows:

1. Class A theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows and theatrical performances.

2. Class B theatre means a building in which standard film is used to exhibit moving pictures and which may be used to exhibit shows or theatrical performances providing no moveable scenery is used.

3. Class C theatre means a building in which standard film is used to exhibit moving pictures but which may not be used to exhibit shows or theatrical performances.
4. Class D theatre means any premises in which moving pictures are exhibited and viewed by the public from vehicles and commonly known as a drive-in theatre. *New.*

12. No person shall use any building as a Class A, Class B ^{Theatre licence} or Class C theatre without a licence therefor under this Act ^{required} and no person shall use any premises as a Class D theatre without a licence therefor under this Act. R.S.O. 1950, c. 389, s. 6 (1), *part, amended.*

13. Every application for a theatre licence or a renewal ^{Application for licence} thereof shall be accompanied by the prescribed fee. *New.*

14. Every theatre licence expires on the 31st day of March ^{Term of licence} in each year unless renewed on or before that day. *New.*

15. No theatre licence shall be issued until the theatre ^{Condition to issue of licence} and the building in which the theatre is located conform to this Act and the regulations and have been approved by an inspector. R.S.O. 1950, c. 389, s. 22, *amended.*

16. Every theatre licence is subject to the condition that ^{Sunday performances} no exhibition or performance shall be given or permitted to be given on a Sunday. *New.*

17. The Director may suspend or cancel a theatre licence, ^{Suspension or cancellation of licence}

(a) if the licensee or manager of the theatre contravenes any of the provisions of this Act or the regulations;
or

(b) if in the opinion of the Director the theatre is not safe to be operated as a theatre,

but no licence shall be suspended or cancelled until the licensee has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. R.S.O. 1950, c. 389, s. 20, *part, amended.*

18. Every theatre licence shall be displayed at all times ^{Display of licence} in a conspicuous place at the entrance to the theatre. *New.*

19. No municipality shall,

^{Municipal licence}

(a) license a theatre unless a licence therefor is in force under this Act;

(b)

- (b) refuse to license a theatre when a licence therefor is in force under this Act; or
- (c) charge a greater fee for licensing a theatre than that charged for a theatre licence under this Act in respect of the same theatre. R.S.O. 1950, c. 389, s. 8, *amended*.

Duty of
licensee or
manager

20. The licensee or in his absence the manager of a theatre shall, before each exhibition or performance, ensure that the provisions of this Act and the regulations respecting theatres are complied with. *New*.

Projector,
approval

21. No projector shall be operated in a theatre unless the projection equipment is installed in conformity with this Act and the regulations and has been approved by an inspector. *New*.

Standing
areas

22.—(1) All aisles, approaches, passageways, exits and stairways in a theatre shall be kept free and unobstructed and the public shall not be permitted to stand therein except in standing areas approved by the Director.

Approval

(2) The licensee of every theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

Keeping of
plan in
manager's
office

(3) A copy of every plan showing the standing areas approved by the Director shall be kept in the office of the manager in the theatre in respect of which the plan was submitted and shall be available for inspection at all times. *New*.

Persons
under 14
years attend-
ing theatres

23.—(1) No person under fourteen years of age not accompanied by a person eighteen years or more of age shall attend or be permitted to attend an exhibition of moving pictures in a theatre,

- (a) after the hour of 6 p.m. on any day;
- (b) during the school term of public and high schools in the municipality in which the theatre is situated except,
 - (i) during school holidays between the hours of 9 a.m. and 6 p.m., and
 - (ii) during any other day during the term between the hours of 4 p.m. and 6 p.m.

(2) Where an exhibition of moving pictures is given in a ^{Matron} theatre and persons under fourteen years of age not accompanied by persons eighteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

(3) Every matron shall be eighteen years or more of age ^{Idem} and dressed in a uniform of a type approved by the Director. R.S.O. 1950, c. 389, s. 9, *amended*.

24.—(1) Where a fire, panic or accident occurs in a theatre, ^{Fire, panic, etc.} the licensee or in his absence the manager shall immediately notify the Director thereof by telephone or telegraph and, except in the case of a fire confined to the projection room, shall forthwith notify him in writing stating the apparent cause of the fire, panic or accident and any damage or injury resulting therefrom.

(2) In the case of a fire confined to a projection room, the ^{Fire in projection room} projectionist in charge of the projection room shall forthwith notify the Director in writing stating the apparent cause of the fire and any damage or injury resulting therefrom. *New*.

25.—(1) The national anthem shall be played in every ^{National anthem} theatre at the commencement of the first or at the conclusion of the last exhibition or performance given each day.

(2) Where a matinee exhibition or performance is given and ^{Idem} the theatre is closed for any period of time before the evening exhibitions or performances are given, the national anthem shall be played at the commencement or conclusion of the matinee exhibition or performance and at the commencement of the first or at the conclusion of the last evening exhibition or performance given each day. R.S.O. 1950, c. 389, s. 18, *amended*.

26.—(1) Where a film that has been classified as adult ^{Adult entertainment} entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult entertainment shall be displayed in such manner as the regulations may prescribe.

(2) All advertising matter in connection with a film classi- ^{Idem} fied by the Board as adult entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult entertainment. *New*.

27. The council of a city, town, village or township may ^{Prohibiting construction of theatre near church} pass by-laws prohibiting the construction of a theatre within 200 feet of a church or place of worship. R.S.O. 1950, c. 389, s. 19, *amended*.

PROJECTIONISTS

Operation
of projector
without
licence

28. No person shall,

- (a) operate a projector designed for the use of standard film; or
- (b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee or manager of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act. *New.*

Licences,
classification

29. Projectionist licences are classified as first class, second class and apprentice. *New.*

Application
for examina-
tions

30. An application for examinations and tests for any class of projectionist licence shall be made to the Director accompanied by the prescribed fee. *New.*

Eligibility
for re-
examination

31.—(1) Where an applicant fails to pass the examinations and tests required by the Director he is not eligible to try the examinations and tests a second time until he has worked as an apprentice or as the holder of a second-class licence, as the case may be, for such further period as the Director requires.

Idem

(2) Where an applicant fails to pass the examinations and tests a second time he is not eligible to try such examinations and tests again except by leave of the Director. *New.*

Licences,
first-class

32.—(1) A first-class licence may be issued by the Director on payment of the prescribed fee to the holder of a second-class licence who has passed the examinations and tests required by the Director for a first-class licence.

second-
class

(2) A second-class licence may be issued by the Director on payment of the prescribed fee,

- (a) to the holder of an apprentice licence who has served as an apprentice for such period as the Director requires and has passed the examinations and tests required by the Director for a second-class licence; or
- (b) to any person who has operated projection equipment elsewhere than in Ontario and who furnishes to the Director information in respect of such operation satisfactory to the Director and has passed the examinations and tests required by the Director for a second-class licence.

(3) An apprentice licence may be issued by the Director ^{apprentice} on payment of the prescribed fee to any person,

(a) who is eighteen years or more of age; and

(b) who furnishes to the Director,

(i) proof of age,

(ii) satisfactory evidence of physical ability to handle projection and fire-fighting equipment, and

(iii) satisfactory evidence that he does not suffer from any physical or mental disability that would prevent him from operating projection equipment safely.

33. Every projectionist licence expires on the 31st day ^{Expiration of licence} of March in each year unless renewed on or before that day. *New.*

34. An application for renewal of a projectionist licence ^{Renewal of licence} shall be accompanied by the prescribed fee. *New.*

35. Projectionist licences are not transferable. *New.* ^{Transfer of licence}

36. The Director may suspend or cancel the licence of ^{Suspension and cancellation for contravention} any projectionist who contravenes any of the provisions of this Act or the regulations, but no licence shall be suspended or cancelled until the projectionist has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. R.S.O. 1950, c. 389, s. 20, *part, amended.*

37. No licensee or manager of a theatre shall knowingly ^{Responsibility of licensee} permit a projectionist to contravene or fail to comply with any of the provisions of this Act or the regulations. *New.*

CENSOR OF FILMS AND ADVERTISING

38. All film before being exhibited in Ontario shall be ^{Approval of film} submitted to the Board for approval, accompanied by the prescribed fee. *New.*

39. When film is approved by the Board it shall be so ^{Stamping} stamped. R.S.O. 1950, c. 389, s. 5, *amended.*

40.—(1) A certificate signed by the chairman or vice-^{Certificate to accompany reel} chairman of the Board shall be issued in respect of each reel approved by the Board and shall accompany the reel at all times.

Lost
certificates

(2) Where certificates are lost or destroyed, application for duplicate certificates may be made to the Board setting forth the title of the film and the number of certificates lost or destroyed, and accompanied by the prescribed fee. *New.*

Exhibition
of film not
approved
by Board

41. No person shall exhibit or cause to be exhibited in Ontario any film that has not been approved by the Board. R.S.O. 1950, c. 389, s. 4, *amended.*

Alteration
of film

42. No person shall alter or cause to be altered any film from its state as approved by the Board. *New.*

Approval
of adver-
tising

43.—(1) No person shall use or display any advertising matter in connection with film or the exhibition thereof unless a sample of the advertising matter has been approved by the Board.

Samples to
be sub-
mitted to
Board

(2) Before advertising matter in connection with film or the exhibition thereof is used or displayed in Ontario, a sample thereof in duplicate accompanied by the prescribed fee shall be submitted to the Board for approval.

Samples
stamped
approved

(3) Where a sample of advertising matter is approved by the Board, it shall be so stamped and one sample shall be returned to the person who submitted it. *New.*

FILM EXCHANGES

Film
exchange
licence

44. No person shall carry on the business of a 16-millimetre film exchange or a standard film exchange without a licence therefor from the Director. R.S.O. 1950, c. 389, s. 6 (1), *part, amended.*

Application
for licence
or renewal

45. An application for a film exchange licence or a renewal thereof shall be accompanied by the prescribed fee. *New.*

Term of
licence

46. Every film exchange licence expires on the 31st day of March in each year unless renewed on or before that day. *New.*

Conditions
to issue of
licence

47. A standard film exchange licence shall be issued only if the building occupied by the film exchange,

(a) is of fire-resistive construction in that portion of the building in which film is handled or stored;

(b) is not more than two storeys in height;

(c) is not situated within 50 feet of any building occupied as a school, church, hospital or hotel or place of public assembly;

(d)

(d) is not occupied as a dwelling; and

(e) in the opinion of the Director, is not occupied by another business that is dangerous to the carrying on of the business of the film exchange. *New.*

48. A film exchange licence shall not be transferred without the written consent of the Director. *New.* Transfer of licence

49. The Director may suspend or cancel any film exchange licence if the licensee has contravened or failed to comply with any of the provisions of this Act or the regulations, but no licence shall be suspended or cancelled until the licensee has been afforded an opportunity to appear before the Director to show cause why the licence should not be suspended or cancelled. R.S.O. 1950, c. 389, s. 20, *part, amended.* Suspension or cancellation of licence

50. No film exchange shall supply standard film to any person who does not hold a theatre licence under this Act or a licence under this Act to exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act. *New.* Distribution of standard film

51. No film exchange shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board. *New.* Distribution of advertising matter

52. No person shall smoke or be permitted to smoke in any portion of a building or premises occupied by a film exchange in which film is handled or stored. *New.* Smoking

53. Where a fire occurs in a building or premises occupied by a film exchange or where any film of the film exchange is damaged or lost by reason of a fire elsewhere than in the building or premises occupied by the film exchange, the licensee of the film exchange or in his absence the person in charge shall forthwith notify the Director in writing stating the apparent cause of the fire and any damage or loss resulting therefrom. *New.* Fire loss

BUILDING PLANS

54. No person shall construct or alter any building or premises intended for use as a theatre or to be occupied by a film exchange until the plans of the proposed construction or alteration have been submitted to and approved by the Director. *New.* Approval of building plans

55. In the event of conflict between this Act and the regulations and a municipal building by-law, this Act and the regulations prevail. *New.* Conflict with building by-laws

MISCELLANEOUS LICENCES

Licence to
operate
16-mm. pro-
jector

56.—(1) No person shall operate a projector designed for the use of film 16 millimetres in width for hire or gain without a licence therefor from the Director.

Application

(2) An application for a licence under this section shall be accompanied by the prescribed fee.

Term of
licence

(3) Every licence issued under this section expires on the 31st day of March following the date of issue. *New.*

Licence to
exhibit
standard
film else-
where than
in theatre

57.—(1) No person shall exhibit standard film in any building or premises other than a theatre in respect of which a licence is in force under this Act without a licence therefor from the Director.

Application

(2) An application for a licence under this section shall be accompanied by the prescribed fee.

Term of
licence

(3) A licence issued under this section remains in force for such term as is specified in the licence. *New.*

APPEAL

Appeal

58.—(1) Any person who deems himself aggrieved by a decision of the Board, Director, Assistant Director or an inspector may, within ten days after the receipt of notice in writing of the decision, appeal in writing to the Treasurer who shall, upon notice to all interested parties, hear the appeal and approve, disapprove or vary the decision appealed against.

Suspension
of licence
not affected

(2) The making of an appeal under this section does not affect the suspension or cancellation of a licence pending the disposition of the appeal by the Treasurer. R.S.O. 1950, c. 389, ss. 3 (2), 20 *part*, 21, *amended*.

PENALTIES

Penalties

59. Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or any order of the Board, Director or Assistant Director, is guilty of an offence and on summary conviction is liable to a penalty of not less than \$50 and not more than \$500. R.S.O. 1950, c. 389, ss. 7, 10, 14 (1), *amended*.

Application
of fees and
penalties

60. All fees collected under this Act and all penalties recovered for offences against this Act or the regulations shall be paid to the Treasurer and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 389, s. 14 (2), *amended*.

REGULATIONS

61.—(1) The Lieutenant-Governor in Council may make ^{Regulations} regulations,

- (a) prescribing the type of construction, heating, ventilating and lighting for theatres or any class thereof or for buildings or premises occupied or to be occupied by film exchanges and regulating and governing the design, construction, alteration, maintenance, repair, heating, ventilating and lighting of theatres or any class thereof or of buildings or premises occupied by film exchanges;
- (b) prescribing, regulating and governing the equipment to be used for the prevention and extinguishment of fire in theatres or any class thereof or in buildings or premises occupied by film exchanges;
- (c) prescribing the equipment, apparatus or furnishings or the type thereof to be used in theatres or any class thereof or in buildings or premises occupied by film exchanges;
- (d) regulating and governing the arrangement and use of equipment, apparatus or furnishings in theatres or any class thereof or in buildings or premises occupied by film exchanges; R.S.O. 1950, c. 389, s. 1, *amended*.
- (e) prescribing the type of construction for vaults to be used for the storage of film or any class or type thereof;
- (f) providing that any material to be used in the construction, alteration, maintenance, repair, heating, ventilating or lighting of theatres or any class thereof or of buildings or premises occupied or to be occupied by film exchanges shall be approved by the Director and that any equipment, apparatus or furnishings to be used in theatres or in buildings or premises occupied by film exchanges or the arrangement or use thereof shall be approved by the Director;
- (g) regulating and governing the storage of film or any type or class thereof, advertising matter in connection with film or the exhibition thereof, film cement or any flammable material;
- (h) providing that film depots shall conform to any of the provisions of this Act or the regulations respecting film exchanges; *New*.

- (i) prohibiting and regulating the use and exhibition of film or any type or class thereof;
- (j) prohibiting and regulating the use and display of any advertising matter in connection with any film or the exhibition thereof;
- (k) requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of British manufacture and origin and fixing such proportion on a monthly or yearly basis;
- (l) prescribing the responsibilities and duties of projectionists or of any class thereof;
- (m) prescribing the terms and conditions under which projection equipment may be operated;
- (n) prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased or distributed; R.S.O. 1950, c. 389, s. 2, *amended*.
- (o) prescribing the nature of the plans to be submitted to the Director under this Act and the qualifications of persons by whom such plans are to be prepared and certified;
- (p) prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult entertainment and the manner in which the signs shall be displayed;
- (q) prescribing the manner in which advertising matter in connection with any film classified by the Board as adult entertainment or the exhibition thereof shall indicate that the film has been so classified;
- (r) regulating and governing the conduct of projectionists or other persons in theatres or any class thereof or in buildings or premises occupied by film exchanges;
- (s) providing for the issue, renewal and transfer of theatre licences and film exchange licences or any class thereof and prescribing the fees therefor;
- (t) prescribing the fees to be paid by applicants for examinations and tests for any class of projectionist licence;

- (u) providing for the issue and renewal of projectionist licences or any class thereof and prescribing the fees therefor;
- (v) prescribing the fees to be paid for censoring and approving of film or reels or of any type or class of film or reels;
- (w) prescribing the fees to be paid for censoring and approving of advertising matter in connection with any film or the exhibition thereof;
- (x) prescribing the fees to be paid for the issue of certificates of approval and duplicates thereof;
- (y) providing for the issue of licences to exhibit standard film in buildings or premises other than a theatre in respect of which a licence is in force under this Act and prescribing the fees therefor;
- (z) providing for the issue and renewal of licences to operate projectors designed for the use of film 16 millimetres in width and prescribing the fees therefor;
- (za) prescribing the forms and stampings to be used under this Act;
- (zb) exempting any theatre, film exchange, projector, or film, or any class or type thereof, from any of the provisions of this Act or the regulations;
- (zc) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

(2) Any regulation made under this section may be limited Limitation as to time or place, or both. R.S.O. 1950, c. 389, s. 1, *part*, amended.

(3) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of Expressions defined in regulations the regulations. *New.*

LICENCES ISSUED IN 1953

62. Every licence issued under *The Theatres and Cinematographs Act* that is in force on the day this Act comes into force shall be deemed to be a licence issued under this Act Expiration of licences issued under Rev. Stat., c. 389 and shall expire on the 31st day of March next following the day this Act comes into force unless renewed on or before such 31st day of March.

REPEAL AND COMMENCEMENT

Rev. Stat.,
c. 389,
repealed

63. *The Theatres and Cinematographs Act* is repealed.

Commence-
ment

64. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

65. This Act may be cited as *The Theatres Act, 1953*.

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CHAPTER 105

An Act to amend The Travelling Shows Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Travelling Shows Act* is amended by Rev. Stat., c. 398, s. 1, amended inserting after the word "No" in the first line the words "dramatic, operatic or vaudeville show", so that the section shall read as follows:

1. No dramatic, operatic or vaudeville show, menagerie, Shows not to be exhibited without a licence circus, wild west show, travelling carnival show, trained animal show or show of any kind whatsoever shall be exhibited at any place in Ontario unless the owner, proprietor, manager, agent or person in charge of the show first obtains a licence for that purpose from the Treasurer of Ontario.

2. Subsection 1 of section 2 of *The Travelling Shows Act* Rev. Stat., c. 398, s. 2, subs. 1, re-enacted is repealed and the following substituted therefor:

- (1) Every applicant for a licence shall make and file Application in the office of the Treasurer of Ontario a statutory declaration setting forth,
 - (a) the city, town, village or township or territorial district in which the performances or exhibitions are to be held;
 - (b) the number of days upon which the show is to be exhibited in the local municipality or district;
 - (c) whether the show is to be exhibited in a building or tent and the location thereof;
 - (d) where the show is to be exhibited in a building or tent in a city, town, village or township, particulars of the licence in force under *The Public Halls Act* in respect of the building Rev. Stat., c. 305 or tent.

Term of
licence

- (1a) Every licence issued under this Act remains in force for such term as is specified in the licence.

Condition
to issue
of licence
Rev. Stat.,
c. 305

- (1b) If a show is to be exhibited in a public hall within the meaning of *The Public Halls Act*, the Treasurer of Ontario shall not issue a licence under this Act unless a licence is in force under *The Public Halls Act* in respect of the public hall in which the show is to be exhibited.

Rev. Stat.,
c. 398, s. 3,
re-enacted

3. Section 3 of *The Travelling Shows Act* is repealed and the following substituted therefor:

Licence fee
may be
waived

3. If any show is exhibited as part of an industrial exhibition or an agricultural fair or is exhibited by a religious, educational or philanthropic organization, the Treasurer of Ontario may waive the licence fee or may impose a nominal fee.

Rev. Stat.,
c. 398, s. 6,
re-enacted

4. Section 6 of *The Travelling Shows Act* is repealed and the following substituted therefor:

Regulations

6. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the fees to be paid for the issue of licences for the exhibition of shows or of any class or type thereof under this Act;
- (b) prescribing forms for use under this Act;
- (c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

6. This Act may be cited as *The Travelling Shows Amendment Act, 1953*.

CHAPTER 106

An Act to amend The Unemployment Relief Act

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 11 of *The Unemployment Relief Act*, as re-enacted by section 1 of *The Unemployment Relief Amendment Act, 1951*, is amended by adding at the end thereof the words “and where a person has not resided in a municipality or district for a period of twelve consecutive months as aforesaid he shall be deemed to reside in the municipality or district in which he resided on the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor”, so that the subsection shall read as follows:

- (2) For the purposes of this Act, a person shall be deemed to reside in the municipality or district in which he has last resided for a period of twelve consecutive months since the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor, and where a person has not resided in a municipality or district for a period of twelve consecutive months as aforesaid he shall be deemed to reside in the municipality or district in which he resided on the 1st day of April, 1948, or such other date as the Lieutenant-Governor in Council may substitute therefor.

(2) Subsection 5 of the said section 11 is amended by striking out the words “in receipt of direct relief” in the first line, by striking out the words “a pension under *The Old Age Pensions Act*” in the eighth and ninth lines and inserting in lieu thereof the words and figures “assistance under *The Old Age Assistance Act, 1951*” and by inserting after the word “Act” in the tenth line the figures “1952”, so that the subsection shall read as follows:

Responsi-
bility for
relief of
persons who
move from
one munici-
pality to
another

- (5) Where a person moves from one municipality or district in Ontario to another, the municipality or district from which he moves shall be liable for his direct relief until he has resided for twelve consecutive months in the municipality or district to which he has moved, and such twelve consecutive months shall, except where he or either of his parents is in receipt of assistance under *The Old Age Assistance Act, 1951* or is a beneficiary under *The Mothers' Allowances Act, 1952*, be computed from the day he commences to support himself by gainful employment.

1951
(2nd Sess.),
c. 2

1952, c. 62

Short title

- 2.** This Act may be cited as *The Unemployment Relief Amendment Act, 1953*.

CHAPTER 107

An Act to amend The University of Toronto Act, 1947

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 17 of *The University of Toronto Act, 1947* is amended by striking out the word “twenty-two” in the third line and inserting in lieu thereof the word “twenty-four”, so that the subsection shall read as follows:

(1) The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-four persons appointed by the Lieutenant-Governor in Council.

(2) Subsection 2 of the said section 17 is amended by striking out the word “twenty-two” in the second line and inserting in lieu thereof the word “twenty-four”, so that the subsection shall read as follows:

(2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-four persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

2. Section 38 of *The University of Toronto Act, 1947* is repealed and the following substituted therefor:

Annual
financial
report

38.—(1) The Board shall after the close of each University year file with the Provincial Secretary an annual financial report in such form as the Lieutenant-Governor in Council may from time to time require.

Tabling
of report

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is in session, or if not, at the next ensuing session.

1947,
c. 112, s. 100,
amended

3. Section 100 of *The University of Toronto Act, 1947* is amended by striking out the word and figure "(Form 1)" in the sixth line and inserting in lieu thereof the words "in a form approved by the Senate", so that the section shall read as follows:

Voting
papers to
be sent to
graduates

100. If a poll is necessary, the Registrar shall on or before the third Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper in a form approved by the Senate, together with a list of the persons whose term of office is expiring, and of all persons who have been nominated.

1947, c. 112,
Sched. A,
repealed

4. Schedule A to *The University of Toronto Act, 1947* is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The University of Toronto Amendment Act, 1953*.

CHAPTER 108

An Act to amend The Warble Fly Control Act, 1952

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Warble Fly Control Act, 1952* is repealed and the following substituted therefor: ^{1952, c. 113, s. 3, subs. 1, re-enacted}

- (1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and for the treatment of cattle for warble fly, shall purchase in such amounts as may be required such ingredients as may be designated by the regulations, and may purchase or otherwise acquire such equipment as it deems necessary. ^{Appointment of inspectors; purchase of supplies}

2. Clause *f* of section 8 of *The Warble Fly Control Act, 1952* is amended by striking out the words "under a by-law passed" in the fifth line, so that the clause shall read as follows: ^{1952, c. 113, s. 8, cl. f, amended}

- (*f*) providing for the making of grants by the Minister out of such moneys as may be appropriated therefor by the Legislature so as to reimburse any municipality to such extent as is designated for any expense it has been put to under this Act.

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Warble Fly Control Amendment Act, 1953*. ^{Short title}

CHAPTER 109

An Act to amend The Workmen's Compensation Act

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 6 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

(1a) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and the employment of the workman out of Ontario lasts or is likely to last six or more months, the employer may apply to the Board to be assessed on the earnings of such workman and, if the application is accepted by the Board, the workman, if injured by accident happening out of Ontario, or his dependants, shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario. Accident while workman employed out of Ontario for 6 or more months

(2) Subsection 4 of the said section 6 is amended by inserting after the word "railway" in the second line the words "or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance", so that the subsection shall read as follows: Rev. Stat., c. 430, s. 6, subs. 4, amended

(4) Where an accident happens out of Ontario on a steamboat, ship or vessel, or on a railway, or on an aircraft, or on a truck, bus or other vehicle used in the transportation of passengers or any goods or substance and the residence of the workman is in Ontario and the work or service rendered by him is required to be performed both in and out of Ontario, the workman or his dependants shall be entitled to compensation under this Part as if the accident had happened in Ontario. Accidents on ships, railways, aircraft, etc.

(3) The said section 6 is further amended by adding thereto the following subsection: Rev. Stat., c. 430, s. 6, amended

Authority
to avoid
duplication
of assess-
ments

- (7) With a view to avoiding duplication of assessments to which an employer may be liable on the earnings of workmen who are employed part of the time in Ontario and part of the time in another province or territory of Canada, the Board may make an agreement with the workmen's compensation authority of that province or territory for such adjustment of assessments as is equitable and may reimburse such other authority for any payment of compensation, rehabilitation or medical aid made by it under such agreement, and may, in order to give effect to any such agreement, relieve any such employer from assessment or reduce the amount thereof.

Rev. Stat.,
c. 430, s. 9,
amended

- 2.** Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Where
dependants
are infants

- (4a) Where there are infant dependants, the election may be made on their behalf by a parent or guardian.

Rev. Stat.,
c. 430, s. 36,
subs. 1,
amended

- 3.**—(1) Subsection 1 of section 36 of *The Workmen's Compensation Act* is amended by striking out the words "irrespective of the date of the accident" in the first and second lines, so that the subsection, exclusive of the clauses, shall read as follows:

Compensa-
tion in case
of death

- (1) Where death results from an injury, the amount of the compensation shall be,

.

Rev. Stat.,
c. 430, s. 36,
subs. 1,
cls. c, d, e,
re-enacted

- (2) Clauses *c*, *d* and *e* of subsection 1 of the said section 36 are repealed and the following substituted therefor:

- (c) where the widow or an invalid husband is the sole dependant, a monthly payment of \$75;
- (d) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$75, with an additional monthly payment of \$25 to be increased upon the death of the widow or invalid husband to \$35 for each child under the age of 16 years;
- (e) where the dependants are children, a monthly payment of \$35 to each child under the age of 16 years.

Rev. Stat.,
c. 430, s. 36,
subs. 3,
cls. a, b, c,
re-enacted

- (3) Clauses *a*, *b* and *c* of subsection 3 of the said section 36 are repealed and the following substituted therefor:

(a)

- (a) where the widow or an invalid husband is the sole dependant, \$75;
- (b) where the dependants are a widow or an invalid husband and one or more children, \$75 for the widow or invalid husband with a further payment of \$25, to be increased on the death of the widow or invalid husband to \$35, for each child, not exceeding in the whole \$150; or
- (c) where the dependants are children, \$35 to each child, not exceeding in the whole \$150.

4. Section 3 applies only where the accident happens on or ^{Application of s. 3} after the day this Act comes into force, and where the accident happened before that day the amount of the compensation shall be the same as if section 3 had not been passed.

5. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

6. This Act may be cited as *The Workmen's Compensation* ^{Short title} *Amendment Act, 1953.*

PART II
PRIVATE ACTS
Chapters 110 to 136

CHAPTER 110

An Act respecting the Town of Almonte

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the Town of Almonte ^{Preamble} by its petition has represented that a parcel of land in the Town of Almonte, known as "Gemmill Park", was dedicated to the Town of Almonte; and whereas the use of the said land is restricted by such dedication; and whereas the petition has prayed for a special act of the Legislature to vest in fee simple a portion of the said "Gemmill Park" and also to validate and confirm an Agreement entered into between the Corporation and the Board of Park Management of "Gemmill Park"; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following lands, being a portion of "Gemmill Park" ^{Park land vested in Town} and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Town of Almonte in the County of Lanark and Province of Ontario and being composed of part of the West Half of Lot Fifteen in the Ninth Concession of the Township of Ramsay in the said County of Lanark (now within the limits of the said Town of Almonte) as shown on Wilkie's General Plan of the said Town registered in the Registry Office for the Registry Division of the North Riding of the County of Lanark and containing Thirty-six and 67/100 acres (36.67) more or less, which said parcel may be more particularly described as follows:

COMMENCING at the intersection of the Westerly limit of Country Street with the Northerly limit of Perth Street; thence Westerly along the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the intersection of the Northerly limit of Perth Street with the Easterly limit of Provincial Highway No. 29; thence Northerly along the Easterly limit of Highway No. 29 aforesaid Seven Hundred and Forty-one feet (741') to a point; thence Easterly and parallel with the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the Westerly limit of Country Street; thence Southerly and following the Westerly limit of Country Street Seven Hundred and Forty-one feet (741') to the place of beginning,

are hereby vested in fee simple in The Corporation of the Town of Almonte.

Trusts, etc.,
annulled

2. The trusts and special purposes mentioned in the grant of certain lands to the said Corporation by the executors and trustees of the last will and testament of Winnifred Knight Dunlop Gemmill are hereby annulled in so far as they apply to the lands mentioned in section 1.

Agreement
confirmed

3. The Agreement between The Corporation of the Town of Almonte and the said Board of Park Management dated the 15th day of January, 1953, set forth as the Schedule hereto, is ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

Memorial
Tablet

4. The said Board of Park Management shall erect and at all times maintain upon the park property a suitable Memorial Tablet reading:

Gemmill Park, donated by Winnifred Knight Dunlop Gemmill, of the Town of Almonte, formerly the property of James Dunlop Gemmill of Almonte, deceased

or reading in such other manner as may be approved by the executors and trustees of the last will and testament of the said Winnifred Knight Dunlop Gemmill.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Almonte Act, 1953*.

SCHEDULE

ARTICLES OF AGREEMENT made the 15th day of January, A.D. 1953.

BETWEEN:

THE CORPORATION OF THE TOWN OF ALMONTE, hereinafter called the Corporation,

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT, of the Town of Almonte in the County of Lanark, hereinafter called the Board,

OF THE SECOND PART.

WHEREAS it has been proposed that the Corporation obtain a special Act of the Legislature of the Province of Ontario authorizing the Corporation to sell a portion of the "Gemmill Park" property hereinafter described.

AND WHEREAS it is desirable and expedient that the portion to be sold shall be sold subject to certain conditions hereinafter set forth.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of FIVE DOLLARS of lawful money of Canada now paid by the Corporation to the Board (the receipt whereof is hereby by it acknowledged) the Board agrees with the Corporation as follows:

1. The Corporation shall have the right to sell the following land, now part of the "Gemmill Park", more particularly described as follows:

"ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Town of Almonte in the County of Lanark and Province of Ontario and being composed of part of the West Half of Lot Fifteen in the Ninth Concession of the Township of Ramsay in the County of Lanark (now within the limits of the said Town of Almonte) more particularly described as follows:

COMMENCING at the intersection of the Westerly limit of Country Street with the Northerly limit of Perth Street; thence Westerly along the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the intersection of the Northerly limit of Perth Street with the Easterly limit of Provincial Highway No. 29; thence Northerly along the Easterly limit of Highway No. 29 aforesaid Seven Hundred and Forty-one feet (741') to a point; thence Easterly and parallel with the Northerly limit of Perth Street Two Thousand One Hundred and Ninety-six feet (2196') more or less to the Westerly limit of Country Street; thence Southerly and following the Westerly limit of Country Street Seven Hundred and Forty-one feet (741') to the place of beginning.

ALL OF WHICH according to Wilkie's General Plan of the said Town of Almonte registered in the Registry Office for the Registry Division of the North Riding of the County of Lanark and the part above described containing in all Thirty-six and 67/100 acres (36.67 acres) more or less."

on such terms as are hereinafter set out.

2. All sales shall be for cash only and all moneys so received by the Corporation shall immediately become the property of the Board.

3. All moneys so received by the Board shall be applied by the Board to improvements of a capital nature to the remaining part of the "Gemmill Park".

4. The price of the lots to be sold and the order in which they may be sold shall be subject to the approval of the Board.

5. The Corporation shall be responsible for the cost of construction of streets, sewers, watermains and other like municipal services in the land so sold and the Board shall have no responsibility of any nature in the land so sold except that the laying out of the lots, streets, sewers, watermains and other like municipal services shall be subject to the approval of the Board.

6. All portions of the land to be sold shall remain under the administration of the Board until the sale is completed except for such preliminary arrangements as may be necessary for the aforesaid Municipal services by the Corporation.

7. All land so sold shall be subject to the building restrictions set forth in Schedule hereto marked Exhibit "A" to this Agreement.

8. All legal and other expenses in connection with the proposed legislation and the sale of the said lands by the Corporation and the establishment of all municipal services as aforesaid (including all costs and expenses of the Board) shall be borne by the Corporation.

9. This Agreement may be amended from time to time by the Corporation and the Board.

IN WITNESS WHEREOF the Corporation and the Board have hereunto executed this Agreement by the signature of their respective signing officers and the seal of the Corporation has been hereto affixed.

SIGNED, SEALED AND DELIVERED
In the presence of

R. A. JAMIESON

as to execution by The Board
of Park Management of the
Town of Almonte.

THE CORPORATION OF THE TOWN
OF ALMONTE:

G. M. DUNFIELD,
Mayor.

R. J. FRANCE,
(Seal) *Clerk.*

THE BOARD OF PARK
MANAGEMENT OF THE TOWN
OF ALMONTE:

GEO. L. COMBA,
Chairman.

A. LEVITAN,
*Secretary
pro tem.*

Exhibit "A"

PROPOSED DEED RESTRICTIONS
GEMMILL PARK PROPERTY
TOWN OF ALMONTE.

(1) PERMITTED USES

- (a) Single family dwellings and accessory buildings customarily incidental to such use. Provided however that such dwellings may include the office or consulting room of a Physician, Dentist or other professional person when forming part of the occupancy and that the accessory building shall not be used for human habitation.
- (b) Educational, religious, municipal or institutional uses, except those likely to be detrimental to the residential character of the neighbourhood.
- (c) Professional signs of not more than one square foot in area and signs of not more than three square feet in area advertising the sale or lease of the property.

(2) REQUIREMENTS

- (a) No single family dwelling shall be erected upon an area of land containing less than eighty-seven hundred (8700) square feet or having a frontage of less than sixty-six (66) feet.
- (b) No single family dwelling shall have a floor area of less than—
 - 800 sq. ft. if one storey in height.
 - 950 sq. ft. if of one and one half stories in height.
 - 1100 sq. ft. if of two stories or more in height.

The floor area to be measured to the outside of the main walls.

- (c) No single family dwelling shall be erected to cost less than ten thousand (\$10,000.00) dollars.
- (d) No single family dwelling shall be located on a lot unless the main front wall is at least twenty (20) feet from the front lot line and the side walls are at least eight (8) feet from the side lot lines.
- (e) No accessory buildings shall be located on a lot unless the main front wall is at least twenty (20) feet from the front lot line, provided however that an accessory building on a corner lot may be erected to front on the flanking street and shall then not be less than eight (8) feet from the lot line on the flanking street.

(3) ADMINISTRATION

- (a) Prior to issuing a building permit for any structure to be erected on the property herein described, the application for the permit shall be approved by the Gemmill Park Commission as conforming to these restrictions.
- (b) The Purchaser shall commence construction of the building to be erected on the lot, or lots, within the six (6) months period immediately following the acceptance of the offer to purchase and will complete the construction of the main building within a period of eighteen months from the date of commencement of construction. If more than one lot is purchased this paragraph applies to each lot so purchased.

CHAPTER 111

An Act respecting Assumption College

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS Assumption College by its petition has repre- Preamble
 sented that it was incorporated by an Act entitled
An Act to incorporate Assumption College, Sandwich, in the
Diocese of London, being chapter 136 of the Statutes of the
 Province of Canada, 1858; and that it has conducted and
 maintained an institution of learning in the Town of Sand-
 wich, and, since *The City of Windsor (Amalgamation) Act*, 1935, c. 74
 1935, in the City of Windsor; and whereas the petitioner has
 prayed for legislation varying the provisions of its Act of
 Incorporation in relation to its organization, government and
 administration and enlarging and increasing its powers, rights
 and privileges; and whereas it is expedient to grant the prayer
 of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Governors of the College;
- (b) "Chancellor" means Chancellor of the College;
- (c) "College" means Assumption College;
- (d) "Corporation" means the body corporate of the College;
- (e) "graduates" means persons who have been awarded degrees by the College and persons who, having completed courses of instruction at the College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of the College;
- (f) "President" means President of the College;

(g)

- (g) "property" includes all property, both real and personal;
- (h) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (i) "Senate" means Senate of the College;
- (j) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Corporation
continued

2. The Corporation of Assumption College is hereby continued as a body corporate with perpetual succession under the said name, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

Objects and
purposes

3. The College shall have university powers, including:

- (a) The power to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board.
- (b) The power to confer university degrees and honorary degrees and awards in any and all branches of learning.

Property

Rev. Stat.,
c. 184

4. The College shall have, in addition to the powers, rights and privileges mentioned in section 27 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition to or in the place thereof, without licence in mortmain and without limitation as to the period of holding.

Trust
property
vested in
College

5. All property hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the College, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College.

6. Property vested in the College shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, except a municipal corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Property
not liable
to exprop-
riation

7. All property vested in the College shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application
of statutes
of limita-
tions

8. The property, and the income, revenues, issues and profits of all property, of the College shall be applied solely to achieving the objects and purposes of the College.

Application
of property
to objects

9. The funds of the College not immediately required for its purposes, and the proceeds of all property which comes to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board shall deem meet.

Investment
of funds

10. The College, if authorized by by-law of the Board, may,

Borrowing
powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage any part or all of its property to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the College to secure any such bonds, debentures and obligations;

provided

provided that no expenditure shall be made or liability incurred which has the effect of involving or impairing any endowment of the College.

Board of
Governors

11. The government, conduct, management and control of the College, and of its work, affairs and business, and all other matters shall be vested in the Board of Governors which shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College.

Composition

12. The Board shall be composed of the President, the Superior-General of the Congregation of St. Basil, the Superior of the Congregation of St. Basil at the College and his Counsellors, the Treasurer of the College, all *ex officio*, and two other members of the Congregation of St. Basil who shall be elected by the Board for terms of three years, and who shall be eligible for re-election on the expiration of their terms, and such other persons and for such terms as the Board may by by-law prescribe.

Powers of
Board

13.—(1) The Board shall have power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the College, and to repeal or vary the same;
- (b) to appoint members of the Board other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the College.

By-laws

(2) By-laws, rules and regulations made by the Board shall not require confirmation by the members of the Corporation.

Special
by-laws

14. Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws,

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board and for conferring authority upon any of such committees to act for the Board with respect to any matter or class or classes of matters;
- (d) providing for the appointment and establishment of such advisory, deliberative or administrative persons,

offices and bodies of the College as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

15.—(1) There shall be a Chancellor of the College who shall be the Bishop of the Roman Catholic diocese in which the principal establishment of the College is situated. ^{Chancellor}

(2) The Chancellor shall be the titular head of the College and shall confer all degrees. ^{Idem}

(3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. ^{Degrees}

16.—(1) There shall be a President of the College who shall be a member of the Congregation of St. Basil appointed by the Superior-General of the Congregation of St. Basil, who shall hold office for a term of three years and who shall be eligible for re-appointment on the expiration of any such term. ^{President}

(2) The President shall be Vice-Chancellor and chief executive officer of the College and in the absence of or vacancy in the office of the Chancellor shall perform the functions of the Chancellor, and, subject to the will of the Board, the President shall have supervision over and direction of the academic work and general administration of the College and the teaching staff thereof, and the officers and servants thereof, and the students thereof, and shall also have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board. ^{Idem}

17. The Board may appoint a Vice-President of the College who shall be assistant to the President and in the absence of or vacancy in the office of President shall perform the functions of the President, and who shall have such other powers, rights and duties as shall be assigned to him by the Board. ^{Vice-President}

18.—(1) There shall be a Senate of the College comprised as follows: ^{Senate}

(a) The Chancellor.

(b) The President.

(c) The Dean of each faculty and school within the College.

(d) The Dean of Women.

(e) The Librarian.

(f)

- (f) The Registrar.
- (g) Two members of the teaching staff of each faculty and school within the College to be elected every two years by their own number by the teaching staffs of the respective faculties and schools.
- (h) Two graduates of the College to be elected every two years by the graduates.
- (i) Such other persons as the Board may determine.

Term of
office of
elected
members

(2) Elected representatives on the Senate shall hold office until their successors are elected; provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school which they represent.

Powers of
Senate

19. Unless otherwise determined by by-law of the Board, the Senate shall,

- (a) consider and determine all courses of study, including requirements for admission;
- (b) recommend the establishment of additional faculties, schools, departments, chairs, or courses of instruction in the College;
- (c) receive and consider recommendations respecting academic matters from the Faculty Boards of the College;
- (d) conduct examinations and appoint examiners;
- (e) grant degrees and honorary degrees, and diplomas;
- (f) award College scholarships, medals and prizes;
- (g) make rules and regulations respecting the conduct and activities of the students of the College;
- (h) publish the College calendars;
- (i) make such recommendations as may be deemed proper for achieving the objects and purposes of the College;
- (j) make rules and regulations for the conduct of its affairs.

20. The accounts of the College shall be audited at least ^{Audit} once a year by a practising auditor.

21. The College shall submit to the Lieutenant-Governor ^{Reports to} in Council, upon request, the annual report of the College, and ^{Lieutenant-} such other reports as may be so requested from time to time.

22. In the event of any conflict between the provisions of ^{Conflict} the said Act entitled *An Act to incorporate Assumption College*, 1858, c. 136 ^{1858, c. 136} *Sandwich, in the Diocese of London* and this Act, the provisions of this Act shall prevail.

23. This Act comes into force on the day it receives Royal ^{Commence-} Assent.

24. This Act may be cited as *The Assumption College* ^{Short title} *Act, 1953.*

CHAPTER 112

An Act respecting the Town of Brampton

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the Town of Brampton ^{Preamble} by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The purchase of the lands described in the Schedule ^{Purchase of land by Town validated} hereto by The Corporation of the Town of Brampton is ratified, confirmed and declared to be legal, valid and binding and the conveyance of said lands to the Corporation shall be deemed to have had the effect of vesting said lands in the Corporation in fee simple clear of and free from all right and interest other than that of the Corporation, and the lands so purchased shall be deemed to have been acquired for the purposes of the Corporation.

(2) Every conveyance of the lands described in the Schedule ^{Sales by Town validated} hereto or part or parts thereof executed by the Corporation prior to the 1st day of January, 1953, and purporting to convey said lands or part or parts thereof to the grantee thereof, his heirs and assigns, or its successors and assigns, and every lease or agreement of sale agreeing to sell said lands or any part or parts thereof prior to the 1st day of January, 1953, is ratified, confirmed and declared to be legal, valid and binding and every such conveyance shall be deemed to have had the effect of vesting said lands in the grantee, his heirs and assigns, or its successors and assigns, in fee simple, or otherwise according to the nature of the estate or interest conveyed.

(3) Any of the said lands not disposed of prior to the 1st day of January, 1953, shall be deemed to have been acquired ^{Application of Rev. Stat., c. 243, s. 388, subs. 1, par. 63} under the provisions of paragraph 63 of subsection 1 of section 388 of *The Municipal Act*.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Brampton Act, 1953*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises which may be more particularly described in four parcels as follows:

PREMISING that all bearings herein are astronomic, and that all references to fences and to lines of fence herein relate to the same as at the 20th day of March, 1930.

Parcel No. 1. Situate, lying and being in the Town of Brampton, in the County of Peel, and Province of Ontario, and being composed of that part of the west one-half of Township Lot 5, in the First Concession West of Hurontario Street of the Township of Chinguacousy containing by admeasurement one and five one-hundredths acres (1.05 ac.) more or less, described as follows:

COMMENCING at a point where an iron pipe has been planted in the westerly limit, as fenced, of the lands of the Canadian Pacific Railway Company where the same is intersected by the line of fence along the south-westerly boundary of the strip of land, forty feet (40') in width, which adjoins upon the south-westerly side of Plan E 14, registered in the Registry Office for the Registry Division of the County of Peel, the said point being distant fifty-nine feet and ten and three-quarters inches ($59' 10\frac{3}{4}"$) measured southerly along the said limit of the lands of Canadian Pacific Railway Company, from the southerly angle of Block D, as shown on said Plan E 14; thence continuing southerly along the said limit of the lands of Canadian Pacific Railway Company a distance of one hundred and twenty-five feet (125') to an iron pipe; thence north twenty-nine degrees and six minutes west (N. $29^{\circ} 6' W.$) a distance of two hundred and twenty feet (220') to an iron pipe; thence north forty-four degrees and thirty-six minutes west (N. $44^{\circ} 36' W.$) a distance of one thousand five hundred and twenty-six feet (1,526') more or less, to an iron pipe planted in the south-easterly limit of the original allowance for road between Township Lot 6, in the said Concession, and said Township Lot 5, now known as Queen Street, the last-mentioned iron pipe being at a distance of twenty-five feet and three and one-half inches ($25' 3\frac{1}{2}"$) measured south-westerly along the said limit of Queen Street, from the north-westerly angle of Lot 20 as shown on Plan A 12, registered in the said Registry Office; thence north thirty-eight degrees and thirty-four minutes east (N. $38^{\circ} 34' E.$) along the said limit of Queen Street, a distance of twenty-five feet and three and one-half inches ($25' 3\frac{1}{2}"$) to an iron pipe planted at the said north-westerly angle of said Lot 20; thence south-easterly along the south-westerly side of said Plan A 12 and along the south-westerly side of the aforesaid strip of land forty feet (40') in width, a distance of one thousand six hundred and forty-seven feet and eleven inches ($1,647' 11"$) more or less, to the place of beginning.

SUBJECT to the exceptions and reservations, and to the covenants therein expressed as running with the title to the above-described lands, contained in a conveyance thereof from David H. Barrett to Calders (Canada) Limited, dated the 1st day of May, 1930, and registered in the said Registry Office on the 27th day of June, 1930, as No. 16733 for the Township of Chinguacousy.

Parcel No. 2. Situate, lying and being in the said Town of Brampton, containing by admeasurement thirty-four and fifty-one one-hundredths acres (34.51 ac.) and being composed of Block A as shown on Plan 307 filed in the aforesaid Registry Office.

Parcel No. 3. Situate, lying and being in the said Township of Chinguacousy, and being composed of that part of the west one-half of Township Lot 7, in the First Concession, West of Hurontario Street, containing by admeasurement six and four hundred and sixteen one-thousandths acres (6.416 ac.) more or less, described as follows:

COMMENCING

COMMENCING at a point where an iron pipe has been planted in the line of fence representing the limit between Township Lot 6, in the said Concession, and said Township Lot 7, the said point being distant five feet and nine inches (5' 9") measured south-westerly along the said line of fence, from the north-westerly angle of Block "A" as shown on Plan 307 filed in said Registry Office, said point being also distant 786 feet 1 inch (786' 1") measured south-westerly along the limit between said Township Lots 6 and 7, from the line, as fenced, between the east one-half and the west one-half of said Township Lot 7; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of seven hundred and twelve feet and one inch (712' 1") more or less to an iron pipe planted in the southerly limit, as fenced, of the lands of Canadian National Railways; thence north seventy-four degrees and thirty minutes east (N. 74° 30' E.) along the last-mentioned limit, a distance of six hundred and one foot and one-half of an inch (601' ½") to an iron pipe; thence south forty-four degrees and thirty minutes east (S. 44° 30' E.) a distance of three hundred and fifty-three feet and five inches (353' 5") more or less, to an iron pipe planted in the limit between said Township Lots 6 and 7 at a point distant two hundred and fifty-five feet and nine inches (255' 9") measured south-westerly therealong, from the line, as fenced, between the east one-half and the west one-half of said Township Lot 7; thence south thirty-eight degrees and twelve minutes west (S. 38° 12' W.) along the limit between said Township Lots 6 and 7, a distance of five hundred and thirty feet and four inches (530' 4") more or less, to the place of beginning.

Parcel No. 4. Situate, lying and being in the said Township of Chinguacousy and being composed of that part of the west one-half of Township Lot 7, in the First Concession west of Hurontario Street, containing by admeasurement nine-tenths of one acre (.9 ac.) more or less, described as follows:

COMMENCING at a point where an iron bar has been planted in the southerly limit, as fenced, of the lands of Canadian National Railways, which said point of commencement may be located as follows: Beginning at the south-easterly angle of the west one-half of said Township Lot 7; thence south thirty-eight degrees and twelve minutes west (S. 38° 12' W.) along the limit between Township Lot 6, in the said Concession, and said Township Lot 7, a distance of seven hundred and eighty-six feet and one inch (786' 1") to a point distant five feet and nine inches (5' 9") measured south-westerly along the last-mentioned limit, from the north-westerly angle of Block A as shown on Plan 307, filed in the said Registry Office; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of seven hundred and twelve feet and one inch (712' 1") to the said iron pipe planted at the point of commencement; thence south seventy-four degrees and twenty-five minutes west (S. 74° 25' W.) along the said limit of the lands of Canadian National Railways, a distance of six hundred feet (600') to an iron pipe; thence north eighty-five degrees and twenty-eight minutes east (N. 85° 28' E.) a distance of six hundred and eighty-five feet and two inches (685' 2") to an iron pipe; thence north forty-four degrees and thirty minutes west (N. 44° 30' W.) a distance of one hundred and fifty feet (150') more or less, to the place of beginning.

CHAPTER 113

An Act respecting the City of Brantford

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS The Corporation of the City of Brantford ^{Preamble} by its petition has represented that it is desirable that the Board of Governors of The Brantford General Hospital shall be composed as hereinafter provided; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in the deed of gift referred to in section 4 of chapter 110 of the Statutes of Ontario, 1910, the entire and absolute control and government and management of The Brantford General Hospital and of the hospital and of the property thereof, and of the hospital staff, is hereby vested in a Board of Governors to be composed as provided in subsections 2 and 3. ^{Board of Governors, powers}

(2) The following persons shall be members of the Board ^{composition} of Governors:

- (a) The mayor of the City of Brantford for the time being.
- (b) The warden of the County of Brant for the time being.
- (c) One person who shall be a resident of the Township of Brantford and who shall be appointed by the council of the Township of Brantford in each year.
- (d) One person who shall be a resident of the City of Brantford and who shall be appointed by the council of the City of Brantford from time to time for a period of three years and who shall not be a member of the council of the City of Brantford or an official or employee of the City of Brantford.

(e)

- (e) The chairman of the welfare committee of the council of the City of Brantford for the time being.
- (f) One person who shall be appointed by the Brant County Medical Association from time to time for a period of three years from amongst its members and for the purpose of such appointment every duly qualified medical practitioner permanently residing in the County of Brant (including the City of Brantford) shall be deemed to be a member of the said Association.
- (g) The president of the medical staff of The Brantford General Hospital for the time being.
- (h) One person who shall be appointed from time to time for a period of three years by the Women's Hospital Auxiliary of Brantford.
- (i) One person who shall be appointed from time to time for a period of three years by the Brantford Local Council of Women.
- (j) One person who shall be appointed from time to time for a period of three years by the Board of Trade of the City of Brantford.
- (k) One person who shall be appointed from time to time for a period of three years by the Junior Chamber of Commerce of the City of Brantford.
- (l) One person who shall be appointed from time to time for a period of three years by the Trades and Labour Council of Brantford.
- (m) One person who shall be appointed from time to time for a period of three years by The International Union United Automobile, Aircraft and Agricultural Implement Workers of America, U.A.W.-C.I.O., Brantford Area.
- (n) One person who shall be appointed from time to time for a period of three years by the municipal chapter (Brantford) of the Imperial Order Daughters of the Empire.
- (o) Two persons appointed by the Lieutenant-Governor in Council from time to time for a period of three years who shall be residents of the City of Brantford or the County of Brant.

Idem

(3) John G. Stratford shall be a life governor of The Brantford General Hospital and shall have the right to nominate in writing, or by his last will and testament, his successor who shall also be a life governor, and such successor

and

and his successors in turn in perpetuity shall have the right to nominate in writing or by their respective last wills and testaments a successor who shall be also a life governor, but if the said John G. Stratford or any successor appointed a life governor in accordance herewith shall fail to appoint a successor, the right hereby created shall terminate and the Board of Governors of the Hospital shall thereafter consist of the persons designated in subsection 2.

2. Section 2 of chapter 110 of the Statutes of Ontario, 1910, 1910, and sections 1 and 2 of chapter 77 of the Statutes of Ontario, 1926, are repealed. 1910, c. 110, s. 2; 1926, c. 77, ss. 1, 2, repealed

3.—(1) The members of the Board of Governors of the Hospital now holding office under clauses *a, b, c, e, f, g, h* and *k* of section 2 of chapter 110 of the Statutes of Ontario, 1910, shall continue in office for the duration of the term for which they are presently in office. Present members

(2) The person now holding office under clause *d* of the said section 2 shall hold office until the 1st day of May, 1953, at which time a person appointed by the council of the Township of Brantford shall take office as provided in clause *c* of subsection 2 of section 1 of this Act. Idem

(3) The chairman of the welfare committee of the council of the City of Brantford and the president of the medical staff of the Hospital shall take office on the day this Act comes into force. New members

(4) The persons to be appointed under clauses *i, k, m* and *n* of subsection 2 of section 1 of this Act shall be appointed forthwith after this Act comes into force. Idem

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The City of Brantford Act, 1953*. Short title

CHAPTER 114

An Act respecting the Town of Dundas

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the Town of Dundas by Preamble its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order P.F. M-447 of the Ontario Municipal Board Annexation order dated the 19th day of November, 1952, set forth as the confirmed Schedule hereto, is hereby confirmed.

(2) Notwithstanding anything contained therein, the an- Effective date nexation provided for in the said order shall be deemed to have had effect on and after the 1st day of January, 1953.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Town of Dundas Act, 1953*. Short title

SCHEDULE

P.F. M-447

THE ONTARIO MUNICIPAL BOARD

Wednesday, the 19th day of November, A.D. 1952

BEFORE:

W. J. MOORE, O.L.S.,
Vice-Chairman, andR. H. YEATES,
Member.IN THE MATTER OF Section 20 of
"The Municipal Act" (R.S.O.
1950, Chapter 243), andIN THE MATTER OF an application
by The Corporation of the Town
of Dundas for annexation to that
municipality of a portion of the
Township of West Flamboro, andIN THE MATTER OF By-law No. 1517
of The Corporation of the Town
of Dundas.

UPON THE APPLICATION OF The Corporation of the Town of Dundas coming on for hearing before this Board in the Council Chamber in the Town of Dundas on the 30th day of September, A.D. 1952, and in the presence of Counsel for the Town of Dundas, Counsel for the County of Wentworth, Counsel for the Township of West Flamboro and certain property owners and also a number of property owners in the area sought to be annexed, who appeared in person;

AND UPON hearing what was alleged by Counsel and other interested persons;

AND UPON being satisfied that public notice of the hearing had been given as directed by the Board:

1. THE BOARD ORDERS that, under and pursuant to Section 20 of *The Municipal Act*, that part of the Township of West Flamboro described in Schedule "A" to this Order be and the same is hereby annexed to the Town of Dundas.

2. THE BOARD FURTHER ORDERS that, subject to the provisions of subsections 15 and 16 of Section 20 of *The Municipal Act*, this Order shall come into effect on the First day of January, A.D. 1953.

3. THE BOARD FURTHER ORDERS that, if and when this Order shall become effective, the Corporation of the Town of Dundas shall cause a survey of the new boundary to be made and properly marked with durable survey posts and shall furnish the Board with a correct description of the annexed area in accordance with the survey.

4. THE BOARD FURTHER ORDERS that any other matters affecting this annexation which are properly the subject for consideration may be taken up from time to time and orders supplementary to this Order may be issued by the Board.

Seal
THE ONTARIO MUNICIPAL BOARD

(Sgd.) W. J. MOORE,
Vice-Chairman.

Schedule "A"

to the Order of The Ontario Municipal
Board dated the 19th day of November,
A.D. 1952

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of West Flamboro, in the County of Wentworth, in the Province of Ontario, being composed of part of Lot Numbers 12, 13 and 14 and the Unopened Road Allowance between Lot Numbers 12 and 13 in the First Concession of the Township of West Flamboro, and which may be more particularly described as follows, that is to say:

COMMENCING at a point in the present western limit of the Town of Dundas, the said point being in the centre line of Chegwin Street, distant two hundred and fifty feet (250') measured northerly thereon from the northern limit of the Governor's Road; thence westerly in a straight line to the north-east angle of Park Lot Number 4; thence westerly following the northern limit of Park Lot Numbers 4, 5, 6 and 7 to the north-west angle of Park Lot 7; thence northerly following the western limit of the Central Park Subdivision to its intersection with a line and its production easterly drawn parallel with and distant one hundred and fifty feet (150') measured southerly at right angles from the southern limit of Mercer Street; thence westerly along the aforesaid line drawn parallel with the southern limit of Mercer Street and the production of the line thereof westerly to its intersection with the division line between Lots 11 and 12 in the First Concession of the Township of West Flamboro; thence northerly along the aforesaid division line between Lot Numbers 11 and 12 to its intersection with the southern limit of the right-of-way lands of the Canadian National Railways right-of-way; thence easterly along the southern limit of the Canadian National Railways right-of-way lands to a point of intersection with the present western limit of the Town of Dundas; thence south-westerly and southerly along the present limits of the Town of Dundas to a point of intersection with the northern limit of Mercer Street; thence easterly along the northern limit of Mercer Street to a point of intersection with the present southern limit of the Town of Dundas; thence continuing easterly along the present southern limit of the Town of Dundas to a point in the aforesaid centre line of Chegwin Street; thence southerly along the aforesaid centre line of Chegwin Street to the place of beginning.

CHAPTER 115

An Act respecting The Hospital for Sick Children

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Hospital for Sick Children by its petition ^{Preamble} has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to the powers of investing in such securities ^{Investment of funds} as the trustees may deem advisable, the corporation may invest the assets now or hereafter owned by it in any investments or securities that are now or may hereafter be authorized investments for joint stock insurance companies and cash-mutual insurance companies under clauses *a* to *q* of subsection 1 of section 298 of *The Companies Act*, and may alter ^{Rev. Stat., c. 59} and vary such investments from time to time by substituting others of a like nature.

2. Such investments shall not be subject to the provisions ^{Provisions not applicable} of subsections 2 to 15 of section 298 of *The Companies Act* or any provisions that may be substituted therefor.

3. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

4. This Act may be cited as *The Hospital for Sick Children* ^{Short title} Act, 1953.

CHAPTER 116

An Act respecting Knox's Church, Toronto

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS the Trustees of the Congregation of Knox's Church, Toronto, by their petition have shown that by a conveyance dated the 19th day of April, 1827, and registered in the Registry Office for the Registry Division of Toronto as Number 12681-0 Jesse Ketchum conveyed to certain Trustees therein named part of the lands therein described to be leased and held by such Trustees on the trusts therein set forth; and that the said conveyance was accepted by the Trustees therein named by virtue of the powers conferred on them by an Act entitled *An act to enable the presbyterian congregation of York to purchase one or more parcels of ground, sufficient for the erection of a church and burying ground*, being chapter 34 of the Statutes of the Province of Upper Canada passed in the fourth year of the reign of His late Majesty King George IV at the session commencing the 11th day of November, 1823; and that by a certain other conveyance dated the 25th day of April, 1856, and registered in the said Registry Office as Number 12682-0 the said Jesse Ketchum did by way of further assurance confirm to the then Trustees of the Congregation of Knox's Church, Toronto, the said lands to hold on the same trusts and conditions as set forth in the said conveyance dated the 19th day of April, 1827, and also upon the further trust set forth in the said conveyance dated the 25th day of April, 1856; and that by an Act entitled *An Act to amend the Act of Upper Canada, enabling the Presbyterian Congregation of York to purchase ground for a Church and Burying-ground*, being chapter 218 of the Statutes of the Province of Canada, 1857, the said trust lands were directed to be held by the then Trustees upon the trusts relating thereto in both said conveyances set forth; and that the petitioners as the present Trustees of the Congregation of Knox's Church, Toronto, are the successors in office of the Trustees respectively named in the said conveyance dated the 19th day of April, 1827, and in the said conveyance dated the 25th day of April, 1856; and that the said lands are now let under several separate leases for terms which do not in every case expire at the same time; and that the lessee's interest in each such lease is now held by Simpsons, Limited

and

and it is desirable that one lease of all the lands presently so demised to Simpsons, Limited, its successors and assigns, should be made for one term of twenty-one years with rights of renewal; and that Simpsons, Limited has agreed that the respective terms of the said existing leases under which it now holds the said lands from the petitioners will be surrendered by it if the petitioners will accept the surrenders thereof and lease to Simpsons, Limited, its successors and assigns, all the said lands under a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, and will also accept from Simpsons, Limited, its successors and assigns, the rents which it would have paid under the existing leases for the balance of their respective surrendered terms and will also grant to Simpsons, Limited, its successors and assigns, for a period of twenty-one years from the 1st day of January, 1951, the benefit of one-half the excess of rental of land *en bloc* over the aggregate of rentals if the same land continued to be leased as separate parcels; and that the acceptance of such surrenders and the making of such new lease *en bloc*, in the form of lease in the Schedule hereto, and the granting of such benefits, has at a duly called meeting of the Congregation of Knox's Church, Toronto, been consented to and approved by such Congregation so as to comply with the provisions of an Act entitled *An Act to authorize the Sale or Lease of Lands in Upper Canada, held in Trust for the use of Congregations or Religious Bodies*, being chapter 119 of the Statutes of the Province of Canada, 1854-55; and whereas the petitioners have prayed for special legislation in respect of these matters; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Surrender
of leases

1. The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to accept from Simpsons, Limited, its successors or assigns, surrenders of all the leases and the respective terms thereof under which Simpsons, Limited now holds as lessee of such Trustees or their predecessors in office, or as assignee of any lessee of such Trustees or their predecessors in office, all and any part or parts of Lots 1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 according to a plan registered in the Registry Office for the Registry Division of Toronto as Number 122-E, including any lease of which the term has expired and has not been formally extended or renewed.

New lease
en bloc

2. The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are empowered to lease

to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of a new lease thereof *en bloc* for the term of twenty-one years commencing on the 1st day of January, 1951, with rights of renewal, in the form set forth in the Schedule hereto, at such annual ground rent for and in respect of the term of twenty-one years commencing on the 1st day of January, 1951, as may be determined in accordance with the provisions of section 5, and a lease with rights of renewal as aforesaid (herein referred to as the "Confirmed New Lease") at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding.

3. The Trustees of the Congregation of Knox's Church, Toronto, and their successors in office are further empowered at the expiration of each successive term of twenty-one years after the 1st day of January, 1951, to lease to Simpsons, Limited, its successors and assigns, the lands referred to in section 1 by way of renewal lease in the form set forth in the Schedule hereto at such annual ground rent as may be fixed and determined in accordance with the provisions of the Confirmed New Lease and of this Act, and such renewal lease or leases at such rental and in such form, when executed by the respective parties thereto, shall be legal, valid and binding. Renewals

4. Two valuers selected and appointed in the manner referred to in the said form of lease set forth in the Schedule hereto or, in default of their agreement, an umpire appointed in the manner referred to therein, shall determine, appoint and fix, as to the lands to be demised by the Confirmed New Lease, Valuations

- (a) the annual rental value (herein referred to as the "Annual Bloc Rental Value") of such lands calculated on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for the term of twenty-one years commencing on the 1st day of January, 1951; and
- (b) the aggregate of the annual rental value (herein referred to as the "Aggregated Annual Parcel Rental Value") of each parcel of such lands that was separately under lease on the 31st day of December, 1950, calculated on the basis of a separate demise of each such parcel for the said term of twenty-one years commencing on the 1st day of January, 1951; and
- (c) the sum (herein referred to as the "Adjusted Annual Rental Value") resulting from the Annual Bloc

Rental Value being decreased by one-half of the excess, if any, of the Annual Bloc Rental Value over the Aggregated Annual Parcel Rental Value; and

- (d) the proportionate part of the Adjusted Annual Rental Value attributable to each parcel of such lands separately under lease on the 31st day of December, 1950, calculated in the same proportion that the annual rental value for such parcel, as determined in accordance with clause *b*, bears to the Aggregated Annual Parcel Rental Value.

Rent

5. The rent to be paid in any one calendar year under the Confirmed New Lease shall be the Adjusted Annual Rental Value applicable to such year, provided that for the remainder of the former respective terms of the leases hereby surrendered such rent shall be further adjusted so that the proportionate part of the Adjusted Annual Rental Value payable for each said former separate parcel of land shall not be more nor less than the former annual rental of each said former separate parcel.

Rent on
renewal

6. The rent to be paid in any one calendar year under any renewal of the Confirmed New Lease shall be the Annual Bloc Rental Value of the lands demised, calculated and determined on the basis of demise thereof *en bloc*, exclusive and independent of any building then erected or built thereon, for a term of twenty-one years from the first day of such renewal term.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Knox's Church, Toronto, Act, 1953*.

SCHEDULE

THIS INDENTURE made in triplicate the second day of January, in the year of our Lord one thousand nine hundred and fifty-one.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT.

BETWEEN:

GEORGE GRAINGER RICHARDSON, Chartered Accountant; ALEXANDER MCPHERSON, Accountant; CHARLES HENRY JEREMIAH SNIDER, Journalist; JOHN GORDON INGLIS, Electrical Engineer, and CHARLES CAMPBELL MACKECHNIE, Chartered Accountant, all of the City of Toronto, in the Province of Ontario, Trustees of the Congregation of Knox's Church, Toronto (herein called the "Lessors"),

OF THE FIRST PART,

—and—

SIMPSONS, LIMITED, a Company incorporated under the provisions of The Companies Act of Canada, having its chief place of business in the said City of Toronto (herein called the "Lessee"),

OF THE SECOND PART.

WITNESSETH that in consideration of these presents and of the rents, covenants and agreements hereinafter reserved and contained by the Lessee, its successors and assigns, to be paid, observed and performed, the said Lessors as Trustees as aforesaid have demised and leased and by these presents do demise and lease unto the Lessee, its successors and assigns, ALL AND SINGULAR those certain parcels of land situate, lying and being in the City of Toronto, in the County of York and Province of Ontario, which may be described as Lots One (1), Two (2), Three (3), Three "A" (3A), Four (4), Five (5), Six (6), Seven (7) and Eight (8) on the north side of Richmond Street and Lots Nine (9), Ten (10), Eleven (11) and Twelve (12) on the south side of Queen Street and Lot Thirteen (13) on the east side of Bay Street, all as laid down on a plan of survey of parts of Town Lots 3 and 4 on the north side of Richmond Street in the said City, made for the Trustees of Knox Church and filed in the Registry Office for the Registry Division of Toronto as Plan 122-E, TOGETHER WITH all the rights, members and appurtenances whatsoever to the said premises belonging and appertaining.

TO HAVE AND TO HOLD the said hereby demised premises with their rights, members and appurtenances unto the Lessee, its successors and assigns, for and during the term of twenty-one (21) years to be computed from the first day of January, A.D. 1951, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor unto the said Lessors, their successors and assigns,

AND the said Lessee for itself its successors and assigns, hereby covenants with the said Lessors, Trustees as aforesaid, and their successors in office in the manner following, that is to say:

To pay rent and to pay all taxes (including all local and general rates of every description and kind that are now or may at any time be levied against the said lands) and not to carry on upon the said premises any business that shall be deemed a nuisance.

PROVISO for re-entry by the said Lessors and their successors in office on non-payment of rent or non-performance of covenants.

THE

THE said Lessors, Trustees as aforesaid, for themselves and their successors in office, covenant with the said Lessee, its successors and assigns, for quiet enjoyment.

PROVIDED ALWAYS and it is hereby expressly covenanted, declared and agreed by and between the said Lessors, Trustees as aforesaid, for themselves and their successors in office, and the said Lessee, its successors and assigns, that within one month after the expiration of the full term of twenty-one years to be computed as aforesaid, the said Lessors or their successors in office, shall select and appoint one competent person, resident of the Province of Ontario, to be a valuator, and the Lessee, its successors and assigns, shall select and appoint another competent person, resident of the said Province, to be another valuator, and the said valutors shall within three months of their appointment determine, appoint and fix by an instrument in writing to be signed by them, the amount of rent to be paid yearly by the said Lessee, its successors and assigns, for and during the term of twenty-one years next ensuing the termination of the present term, such rent to be determined (in the manner and upon the basis set out in the Statute intituled "An Act respecting Knox's Church, Toronto", being Chapter — of the Statutes of the Province of Ontario passed in the ——— year of the reign of Her Majesty Queen Elizabeth the Second) as ground-rent, exclusive and independent of any building then erected or built thereon, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties. And in the case the said two valutors shall be unable to agree on the amount of the annual rent for such new term they shall within the said three months proceed to appoint an umpire, also a competent person, resident of the said Province, who shall, independent of the valutors so appointed, by an instrument in writing under his hand within two months of his appointment determine, appoint and fix, pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the said Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

AND FURTHER, that if either of the said Lessors, Trustees as aforesaid, or their successors in office or the said Lessee, its successors and assigns, shall neglect or refuse to name and appoint a valuator on their own or either of their parts within one month from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for the party who shall have named and appointed a valuator on its part to apply to the Supreme Court of Ontario for an order appointing a valuator to act with the valuator named by the party making such application and such two valutors shall have the same duties and powers herein conferred on the valutors herein provided to be appointed by the parties respectively and the amount so determined, appointed and fixed by them shall be final and conclusive as if they had been mutually appointed as aforesaid.

AND FURTHER that if the two valutors (including any valuator appointed by the Court as in the last preceding paragraph provided), being unable to agree on the amount of the annual rent for such new term, shall neglect or refuse to name and appoint an umpire, as in the second last preceding paragraph provided, within four months from the expiration of the said term of twenty-one years hereby granted, it shall and may be lawful to and for either the Lessors, Trustees as aforesaid, or their successors in office, or the Lessee, its successors and assigns, to apply to the Supreme Court of Ontario for an order appointing an umpire who shall, independent of the valutors, by an instrument in writing under his hand within two months of his appointment or within such longer period as said order shall provide, determine, appoint and fix pursuant to and in accordance with the said Statute, the amount of the rent to be paid by the Lessee, its successors and assigns, for the said new term of twenty-one years, and the amount so determined, appointed and fixed shall be final and conclusive between the said parties.

AND FURTHER that the said Lessors, Trustees as aforesaid, and their successors in office will at the end or expiration of the said term of twenty-one years hereby granted and of every subsequent term of twenty-one

years granted in pursuance of these presents, and whenever the rent for the said future term shall have been fixed pursuant to these presents and the said Statute at the cost and charge of the said Lessee, its successors and assigns, make, execute and deliver unto the said Lessee, its successors and assigns, and that the said Lessee, its successors and assigns, will accept a new and further lease of the hereby demised premises with the said rights, members and appurtenances for the further term of twenty-one years and containing the same covenants and stipulations, including covenant for renewal, as are contained in this present lease (save only that the yearly rent of the said lands and premises be the rent fixed from time to time pursuant to these presents and the said Statute).

IN WITNESS WHEREOF the said parties hereto of the First Part have hereunto set their hands and seals and the party of the Second Part has affixed its corporate seal attested by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED |

in the presence of:

CHAPTER 117

**An Act respecting The Lakeshore District
Board of Education**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Lakeshore District Board of Education, Preamble
of the County of York, by its petition has prayed for
special legislation in respect of the matter hereinafter set
forth; and whereas it is expedient to grant the prayer of the
petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subject to the approval of the Minister of Education, Power to
establish
pension
scheme
resolutions may be passed by The Lakeshore District Board
of Education for the purpose of providing pensions for the non-
teaching employees of The Lakeshore District Board of
Education, or any class of such non-teaching employees,
and their wives and children.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Lakeshore District Board of* Short title
Education Act, 1953.

CHAPTER 118

An Act respecting the City of London

*Assented to April 2nd, 1953**Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the City of London by ^{Preamble} its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between The Corporation of the City ^{Agreement confirmed} of London, Canadian National Realities Limited and another, bearing date the 23rd day of October, 1952, and set forth as the Schedule hereto, is ratified and confirmed and the parties thereto are empowered to carry out the terms thereof.

2. Notwithstanding the provisions of section 483 of *The* ^{Trees on highways} *Municipal Act*, trees or shrubs growing upon highways within ^{Rev. Stat., c. 243} the City of London are declared to be the property of The Corporation of the City of London, and clause *f* of subsection 4 of the said section shall not apply thereto.

3. The council of the said Corporation may, by by-law, ^{Idem} delegate to The Public Utilities Commission of the City of London all the powers of the said Corporation and the council thereof under the provisions of section 483 of *The Municipal Act*, and such Commission shall thereupon, in addition, have full power and authority to trim, cut or remove trees and shrubs growing upon such highways as to it or to the manager or other employee designated by the Commission may appear proper.

4. The acquisition of lands in the Township of Westminster, ^{Home for the aged} in the County of Middlesex, by the said Corporation for a home for the aged is declared to be legal and valid and binding upon the said Corporation and the ratepayers thereof and the said Corporation is empowered to own, lease, purchase or otherwise acquire, hold and dispose of lands in the said Township for the said purpose.

1939,
c. 64, s. 1,
repealed

5. Section 1 of *The City of London Act, 1939* is repealed, but the present council of the said Corporation shall hold office until their successors are elected and a new council organized.

Composition
of council

6. For the year 1954 and thereafter until altered by special legislation the council of the said Corporation shall be composed of a mayor and eight aldermen of whom two shall be elected for each ward.

Staggered
system,
two-year
term

7.—(1) At the next annual municipal election there shall be elected two aldermen for each ward, of whom the one in each ward having the highest number of votes at such election shall hold office for a term of two years and the other of such aldermen shall hold office for a term of one year only, and at each annual election thereafter there shall be elected one alderman for each ward who shall hold office for a term of two years, provided that in the event of election by acclamation of two aldermen for any ward for the year 1954 the alderman having the highest assessment according to the last revised assessment roll shall hold office for two years and the other alderman shall hold office for the term of one year.

Idem

(2) At the next annual municipal election there shall be elected a mayor who shall hold office for two years and the election for such office shall be held every two years thereafter.

Vacancies

8. In the event of the death, resignation or removal from office of any alderman during his term of office, the vacancy so created shall be filled by the election of another alderman by the council for the unexpired term of office of the alderman so dying, resigning or being removed from office.

Submission
of questions
to electors

Rev. Stat.,
c. 243

9.—(1) Notwithstanding any of the provisions of *The Municipal Act*, the said Corporation is hereby authorized and empowered to submit to the electors at any time during the years 1953 and 1954,

- (a) any question as to the operations of The London and Port Stanley Railway or as to the disposition of the undertaking or assets thereof or any part thereof;
- (b) a question to determine if the electors are in favour of constituting one commission to operate, manage and control the operations of The London and Port Stanley Railway and the local transportation system of the City of London;
- (c) a question to determine if the electors are in favour of the adoption of a Board of Control for the City of London;

(d)

- (d) a question to determine if the electors are in favour of the appointment of a salaried general administrative head to be known as the "City Manager".

(2) Notwithstanding any of the provisions of *The Municipal* ^{Idem} *Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954, a by-law for borrowing money as may be required for the purposes of the reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway and for the issue of debentures therefor.

(3) In the event of the approval by the ratepayers of the by-law submitted under subsection 2, the said Corporation and The London Railway Commission are authorized and empowered to carry out and perform the said reconstruction, rehabilitation and repair, or any of them, of The London and Port Stanley Railway. ^{Authority of Corporation and Railway Commission}

(4) Notwithstanding any of the provisions of *The Municipal* ^{Coliseum, community centre, etc.} *Act*, the said Corporation is hereby authorized and empowered to submit to the electors of the City of London entitled to vote on money by-laws, at any time during the years 1953 and 1954,

- (a) a question or questions to determine if such electors are for or against the construction of a coliseum, community centre and arena, or any of them;

- (b) a by-law for borrowing of such money as may be required for the purposes referred to in clause a, and the issuing of debentures therefor.

(5) If the electors entitled to vote on money by-laws vote ^{Idem} on any question submitted under the provisions of subsection 4 in favour of construction of a coliseum, community centre and arena, or any of them, the said Corporation is authorized and empowered to carry out such construction either alone or in conjunction with Western Fair Association which is likewise empowered and to use therefor funds raised or authorized to be raised for the purposes of a community centre and arena either by any prior levies, prior special legislation or by any prior vote of the electors.

(6) The votes on the said questions or by-laws shall be taken save as herein otherwise provided for in the manner required by and subject to the provisions of *The Municipal Act* with respect to voting upon questions or voting upon by-laws requiring the assent of the electors other than those provisions as to the time of taking such vote. ^{Application of Rev. Stat., c. 243}

Effect
of vote

(7) Upon such vote or votes being so taken they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Rev. Stat.,
c. 243

Disposal of
L. & P.S.
Railway

10. If the Corporation shall dispose of the undertaking or assets of The London and Port Stanley Railway, or any part thereof, or any asset used in connection therewith, the powers of The London Railway Commission as to such undertaking or asset, or part thereof, shall cease and determine.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The City of London Act, 1953*.

SCHEDULE

THIS AGREEMENT made (in triplicate) this 23rd day of October in the year of our Lord one thousand nine hundred and fifty-two:

BETWEEN:

CANADIAN NATIONAL REALTIES LIMITED, hereinafter called the Company,

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF LONDON, hereinafter called the Corporation,

OF THE SECOND PART,

—and—

CANADIAN NATIONAL RAILWAY COMPANY, hereinafter called the Railway,

OF THE THIRD PART.

WHEREAS the party of the First Part is the registered or beneficial owner of 2,347 shares of the capital stock of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation is the owner of 1,828 shares of the said stock and by reason of the indebtedness to it of the said The London and Port Stanley Railway Company in respect of bonds held by the Corporation it is entitled to 13,328 votes at any meeting of shareholders;

AND WHEREAS the Corporation represents that The London and Port Stanley Railway Company is indebted to it upon the said bonds, with accrued interest, in a sum in excess of Three million three hundred thousand dollars, and that it has expended for electrification of The London and Port Stanley Railway a sum of approximately Two million seven hundred thousand dollars which sum is a lien and charge against the assets and undertaking of The London and Port Stanley Railway pursuant to the Statutes in that behalf;

AND WHEREAS it is agreed that the said amounts owing to the Corporation in respect of the said bonds and in respect of the said electrification exceeds the value of the assets and undertaking of The London and Port Stanley Railway Company;

AND WHEREAS the Corporation represents that it is desirable for the purpose of simplification of the financial and corporate affairs of the Corporation and The London and Port Stanley Railway Company to transfer all the assets and undertaking of The London and Port Stanley Railway Company to the Corporation in satisfaction of all its claims;

AND WHEREAS the Corporation has requested the Company to transfer to it without consideration all shares of The London and Port Stanley Railway Company held by the Company;

AND WHEREAS the Company holds the said shares of The London and Port Stanley Railway Company as trustee for the Railway;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the parties hereto mutually covenant and agree each with the other as follows:

1. For the consideration aforesaid, but without further consideration, the Company hereby transfers, sets over and assigns unto the Corporation 2,347 shares of The London and Port Stanley Railway Company to have

and

and to hold unto the sole use and benefit of the Corporation. The Company will execute all such formal assignments and transfers as may be required and deliver unto the Corporation such certificates as may be in the Company's possession representing the ownership of the shares.

2. The Corporation will, upon obtaining the necessary statutory authority, take all proper and necessary steps to effectively transfer unto the Corporation all the assets and undertaking of The London and Port Stanley Railway Company and for the said consideration it will release all its claims against the said The London and Port Stanley Railway Company.

3. The Corporation will, if it shall at any future time, determine to sell or dispose of the assets and undertaking so acquired from The London and Port Stanley Railway Company, give notice thereof unto the Railway and the Railway and the Corporation shall forthwith proceed to negotiate an agreement for the sale of the said assets and undertaking. If the said Railway does not desire to acquire the assets and undertaking of The London and Port Stanley Railway Company it shall so notify the Corporation within the time hereinafter limited. If the Railway and the Corporation shall not within three months from the date of the posting of the notice hereinbefore referred to reach an agreement in respect of the sale of the said assets and undertaking, the rights of the Railway under its agreement shall thenceforth be determined.

4. Any notice required to be given under the provisions of this agreement may be given by letter, postage prepaid and registered, addressed to the Corporation at London, Ontario or to the Railway at Montreal, Quebec.

5. This agreement shall come into force and take effect upon the coming into force of a special Act of the Legislature of Ontario empowering and authorizing the Corporation to enter into this agreement and the transfer of assets of The London and Port Stanley Railway Company shall be made upon the Corporation obtaining the necessary authority to accept and hold the same.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals attested by the hands of their respective proper officers.

SIGNED, SEALED AND
DELIVERED

In the presence of

CANADIAN NATIONAL REALTIES LIMITED

W. A. METCALF,
Vice-President.
J. M. YOUNG,
Assistant Secretary.

THE CORPORATION OF THE CITY OF LONDON

A. J. RUSH,
Mayor.
R. H. COOPER,
Clerk.

CANADIAN NATIONAL RAILWAY COMPANY

W. A. METCALF,
Vice-President.
J. M. YOUNG,
Assistant Secretary.

CHAPTER 119

**An Act respecting Separate School Boards in
the Metropolitan Area of Toronto**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS the Toronto and Suburban Separate School Board by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "district" means the part or parts of the Metropolitan Area of which the separate schools are administered from time to time by the Metropolitan Board;
- (b) "local board" means any board of separate school trustees subsisting immediately prior to the day upon which this Act comes into force, in the Metropolitan Area;
- (c) "Metropolitan Area" means the area from time to time included within the municipalities of the Township of East York, the Township of Etobicoke, the Village of Forest Hill, the Town of Leaside, the Village of Long Branch, the Town of Mimico, the Town of New Toronto, the Township of North York, the Township of Scarborough, the Village of Swansea, the City of Toronto, the Town of Weston and the Township of York;
- (d) "Metropolitan Board" means Metropolitan Separate School Board;
- (e) "Minister" means Minister of Education;

(f)

(f) "resident pupils" means pupils being children or wards of separate school supporters,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the separate school ratepayers,

within the limits of a separate school division within the Metropolitan Area, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, whose parents or guardians are not assessed for, and do not pay, taxes for separate school purposes in the separate school division;

(g) "separate school division" means the area in which a local board has from time to time jurisdiction for separate school purposes;

(h) "wards" means the territorial divisions of the Metropolitan Area for electoral purposes, as set out in Schedule A hereto.

Metro-
politan
Separate
School
Board
established

2.—(1) In the year 1953 and thereafter there shall be a board to be known as Metropolitan Separate School Board, which shall be a corporation with the powers and duties and for the purposes set out in this Act.

Composition
of Metro-
politan
Board

(2) In the year 1953 the Metropolitan Board shall be composed of the following persons who shall hold office until their successors are elected as herein provided:

(a) The chairman of each local board.

(b) The members of the Toronto and Suburban Separate School Board.

Idem

(3) In the year 1954 and thereafter the Metropolitan Board, subject to the provisions of section 13, shall consist of fifteen members, and one of such members shall be elected from each ward.

Union of
parts of
Metro-
politan
Area for
separate
school
purposes

3. The municipalities and parts of municipalities within the Metropolitan Area in which, at the date upon which this Act comes into force, no local board is in existence are united for separate school purposes into the district and after the

1st day of January, 1954, the separate school affairs of the district shall be administered by the Metropolitan Board.

4.—(1) For the purpose of electing members of the Metro-^{Wards}politan Board, the Metropolitan Area shall be divided into wards and, until varied in the manner provided by section 13, the wards shall be comprised as set out in Schedule A hereto.

(2) Every person whose name is on the voters' list for any ^{Electors}municipality or part thereof situated within a ward as entitled to vote at municipal elections, who is a supporter of separate schools for Roman Catholics or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, shall be entitled to vote at the election of the member of the Metropolitan Board to be elected from such ward.

(3) The first election of the Metropolitan Board shall take ^{First}place at the municipal elections next after this Act comes into ^{election}force.

(4) The members of the Metropolitan Board shall be ^{Elections}elected by ballot and the election shall be held in each municipality at the same time and place and by the same officials and in the same manner as the municipal elections of aldermen and councillors and, save as herein otherwise expressly provided, the provisions of *The Municipal Act* ^{Rev. Stat., c. 1243} respecting the time and manner of holding elections, including the resignation of persons nominated, vacancies and declarations of qualification for office, shall *mutatis mutandis* apply to such election except that the oath to be taken by a voter shall be as set forth in Schedule B hereto.

(5) Each member so elected shall hold office for two years ^{Term of office}and until his successor is elected.

(6) The secretary of the Metropolitan Board shall be the ^{Returning officer}returning officer of the Metropolitan Area and shall, in the event of two or more candidates in any ward having an equal number of votes, give a vote for one of such candidates so as to decide the election.

(7) The returning officer of the Metropolitan Area, in any ^{Idem}municipality wherein in any year for any reason no poll is required to be held for the municipal election, shall, and in any other municipality may, make the necessary arrangements for the holding of the poll for the election of the member of the Metropolitan Board.

(8) No person shall be eligible for election as a member of ^{Qualifications for office}the Metropolitan Board unless he is a resident of the Metro-^{office}politan Area and qualified to vote therein at the election of

a member of the Metropolitan Board, and no member of any local board shall be eligible for election as a member of the Metropolitan Board.

Nomina-
tions

(9) Nominations for the election of a member of the Metropolitan Board for any ward shall be made by filing in the office of the returning officer of the Metropolitan Area, on the earliest of the days fixed for nominations for municipal candidates in any of the municipalities within such ward, a nomination paper in writing signed by at least ten electors of the ward, containing the name and address of the nominee, the assessable property in respect of which he qualifies and the names and addresses of the nominators as appearing on the last revised voters' list, the signatures of such nominators to be witnessed by a qualified elector.

Where poll
necessary

(10) If more than one person is nominated in any ward, then immediately after the expiry of the time within which a nominee may withdraw the returning officer of the Metropolitan Area shall notify the clerk of each municipality within the ward for which the nominations have been made of the names, addresses and occupations of the persons so nominated, and shall at least five days before the day fixed for the holding of the poll furnish the clerk of every such municipality a sufficient number of ballots for the purpose of the election.

Proceedings
after close
of poll

(11) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the Metropolitan Area a sealed return showing the number of ballots cast for each of the candidates for election to the Metropolitan Board and not later than the hour of 4 o'clock in the afternoon of the third day following the last of such elections, the returning officer of the Metropolitan Area shall make up from the returns so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected, and shall send by prepaid post a copy of such certificate to each candidate.

Vacancies
in Metro-
politan
Board

5. Where the office of a member of the Metropolitan Board becomes vacant from any cause, the remaining members shall, at the first meeting after such vacancy occurs, elect from the separate school supporters resident in the ward from which the member so vacating his seat was elected a duly qualified person to fill the vacancy for the remainder of the term for which his predecessor was elected.

First
meeting,
1953

6.—(1) The first meeting of the Metropolitan Board shall be held on or after the 15th day of April, 1953, at such date, time and place as the Minister may determine, and the

Minister

Minister shall notify each person entitled to be a member of the Metropolitan Board of the date, time and place of the meeting; thereafter the meetings of the Metropolitan Board shall be held as provided by the by-laws of the Metropolitan Board.

(2) The Metropolitan Board shall be organized as provided by *The Separate Schools Act* with respect to urban separate school boards.

Organization
of Metro-
politan
Board
Rev. Stat.,
c. 356

7.—(1) It shall be the duty of the Metropolitan Board and it shall have power,

Powers and
duties of
Metro-
politan
Board

- (a) to require each local board to prepare and submit to the Metropolitan Board, from time to time as the Metropolitan Board may prescribe, its proposals and recommendations with respect to the provision of adequate separate school accommodation within its jurisdiction, and the estimated cost thereof;
- (b) to review and consolidate all such proposals, in consultation with the local boards, and to prepare and revise from time to time a composite proposal and the recommendations of the Metropolitan Board for the provision of adequate separate school accommodation for the Metropolitan Area as a whole;
- (c) notwithstanding the provisions of this or any other Act, to review and to determine, in consultation with the respective local boards, the boundaries of attendance areas for those separate schools in the Metropolitan Area which are to be attended by resident pupils from more than one separate school division;
- (d) notwithstanding the provisions of this or any other Act, to determine the basis upon which and the conditions under which fees, if any, on behalf of resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area, not in excess of the fees calculated in accordance with section 90 of *The Public Schools Act*, shall be paid by the sending board to the receiving board;
- (e) notwithstanding the provisions of this or any other Act, to determine the basis upon which the cost of transportation, if any, of the resident pupils of one separate school division in the Metropolitan Area attending a school in another separate school division in the Metropolitan Area shall be paid, and the respective responsibilities therefor of the sending board, the receiving board and the Metropolitan Board;

Rev. Stat.,
c. 316

(f)

Rev. Stat.,
c. 29

- (f) notwithstanding the provisions of this or any other Act, to make provision, if deemed expedient, for the payment to any local board of any part or the whole of the cost of the education of pupils attending classes established under *The Auxiliary Classes Act* and other special classes authorized by the Minister;
- (g) to appoint a secretary, a treasurer and such other officers and staff as may be deemed expedient for the purposes of the Metropolitan Board, to pay their salaries and, subject to the regulations, to prescribe their duties, and to provide and pay for office accommodation, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of officers of the Metropolitan Board, if authorized by the Metropolitan Board;
- (h) if deemed expedient, to pay to each member a mileage allowance not exceeding 7 cents for each mile necessarily travelled by him in going to the meetings of the Metropolitan Board from his home and in returning to his home, and to pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by him in any one year;
- (i) to require each local board to pay to it a proportionate part, calculated according to the relation the aggregate equalized assessment of the ratepayers of the local board bears to the aggregate equalized assessment of all the separate school ratepayers in the Metropolitan Area, of the cost of discharging the duties of the Metropolitan Board hereunder which are not incurred in administering separate schools in the district.

Proviso

(2) The Metropolitan Board shall not be deemed to be administering the schools from time to time under the jurisdiction of any local board.

Discon-
tinuance
of schools,
etc.

8. Notwithstanding any of the provisions of this or any other Act, no board of separate school trustees within the Metropolitan Area or exercising jurisdiction within three miles of the Metropolitan Area,

- (a) shall discontinue the operation and maintenance of any school under its jurisdiction without the approval of the Metropolitan Board;
- (b) shall sell, lease or otherwise dispose of any school site, school building, school equipment or other item of

school

school property, the cost of which was financed in whole or in part by the issue of debentures, without the approval of the Metropolitan Board;

- (c) shall acquire any school site or any building or erection for school purposes, erect any school building or any addition to any school building, or make any alteration to any school building the cost of which alteration is to be financed in whole or part by the issue of debentures without the approval of the Metropolitan Board.

9. Each local board, unless and until dissolved as provided in this or any other Act, shall continue to have all the powers, duties and responsibilities conferred and imposed upon it by any general or special Act and regulations made thereunder that are not inconsistent with the provisions of this Act, and shall comply with all the requirements of this Act that apply to it.

10.—(1) Every local board may enter into an agreement with the Metropolitan Board and the Metropolitan Board may enter into such an agreement with such local board for the assumption by the Metropolitan Board of the administration for separate school purposes of the separate school division under the jurisdiction of such local board.

(2) Such agreement shall take effect on the 1st day of January next following the adoption by the Metropolitan Board of a by-law authorizing the execution thereof.

(3) Upon such agreement taking effect or upon the expiration of the period for which any separate school division under the jurisdiction of any local board shall have been exempted from the operation of *The Toronto and Suburban Separate School Board Act, 1941*, the separate school division theretofore under the jurisdiction of such local board shall become united to the district under the administration of the Metropolitan Board and such local board shall be dissolved and all real and personal property vested in such local board shall be vested in the Metropolitan Board, and all rights, powers and privileges which such local board would have enjoyed if it had continued to exist shall be exercised and enjoyed by the Metropolitan Board.

(4) Such agreement shall provide what amount of the outstanding indebtedness of such local board shall be levied against all the separate school ratepayers of the district and what amount shall be levied only against the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board.

Metropolitan
Board
responsible
for obliga-
tions of
local boards
making
agreements

11. The Metropolitan Board shall be responsible for and shall discharge all liabilities and obligations of every local board which shall have been dissolved and, subject to sections 13, 14 and 15, any indebtedness of any such local board shall be provided for by a general rate levied upon all property in the district liable for taxation for separate school purposes.

Equalization
commission

12.—(1) The Metropolitan Board, whenever it considers it necessary for the equitable distribution of the cost of its operations, shall appoint three persons not members of any separate school board within the Metropolitan Area, who shall constitute an equalization commission.

Idem

(2) The duty of the equalization commission shall be to equalize the assessment for separate school purposes of the municipalities within the Metropolitan Area, and it shall make its report to the Metropolitan Board within two months after its appointment.

Idem

(3) A copy of the report of the equalization commission shall be forwarded to the clerk of every municipality within the Metropolitan Area.

Idem

(4) Notwithstanding the provisions of this or any other Act, the Metropolitan Board may, by resolution, adopt for the purposes of levying rates upon its supporters the latest report of an equalization commission made pursuant to section 8 of *The Toronto and Suburban Separate School Board Act, 1941* and thereupon such report shall for all purposes be deemed to be a report of an equalization commission appointed under this section.

1941, c. 82

Powers of
Metropolitan
Board

13. The Metropolitan Board with the approval of the Ontario Municipal Board may,

(a) upon any local board entering into an agreement under section 10,

(i) make such adjustment of assets and liabilities of such local board as between the ratepayers of the Metropolitan Board as may be agreed upon or as it shall consider the circumstances warrant,

(ii) make provisions for the preservation of the status, or the equitable adjustment as between its ratepayers, of the burden of the obligations of the local board and recognize such provisions in the levying of its annual rate;

(b)

- (b) vary the boundaries of the wards, the number of the wards and the number of the members of the Metropolitan Board accordingly;
- (c) defer the holding of any annual election for one year in order to co-ordinate the terms of office of its members and the terms of office to municipal councillors, and to extend the term of office of its members accordingly; ‘
- (d) make provision for the holding of elections, the preparation of voters' lists and for such other matters as the Metropolitan Board may deem necessary to provide for the effective administration of the Metropolitan Area.

14.—(1) If the Metropolitan Board becomes liable for any ^{New debts} indebtedness incurred or created by a local board after the passing of this Act, all rates imposed by the Metropolitan Board for charges for such indebtedness shall be imposed solely upon the separate school ratepayers resident within the separate school division previously under the jurisdiction of such local board but so long as such rates are imposed, such ratepayers may *pro tanto* be relieved from the payment of rates imposed by the Metropolitan Board in respect of charges for other indebtedness of the Metropolitan Board.

(2) All debentures created by the Metropolitan Board or ^{Debentures} assumed by it on the dissolution of a local board shall be a charge upon all schoolhouse properties and premises and any other real or personal property vested in the Metropolitan Board and upon the separate school rates.

(3) Any person at the time of the creation of such debenture indebtedness assessed as a separate school supporter shall, while resident within the Metropolitan Area, continue to be liable for the rates to be levied for the repayment of the money so borrowed.

(4) The Metropolitan Board may borrow money to repay ^{Idem} any indebtedness created by a local board and assumed by the Metropolitan Board and issue debentures to secure such money and the terms of repayment of the same may be arranged in consonance with the terms of repayment of its other obligations.

15. The rate to be levied for separate school purposes in ^{Rate} each municipality shall be determined by the Metropolitan Board in accordance with the last report of the equalization commission made prior to the levying of the rate.

Estimates

16.—(1) The Metropolitan Board shall annually, on or before the 1st day of March, make up its estimates of the cost of maintaining the separate schools in the district and of the amount necessary to provide for its annual debt charges and of its other expenditures and, subject to the variations provided in sections 13, 14 and 15, the same shall be raised, levied and collected by a rate in each municipality levied upon all rateable property of the supporters of the schools of the Metropolitan Board liable to taxation for separate school purposes according to the last revised assessment roll of such municipality.

Duty of
municipal
councils in
district

(2) The council of every municipality within the district shall, through their collectors or other municipal officers, cause to be levied upon the taxable property liable to pay the same all sums of money for rates or taxes imposed by the Metropolitan Board in respect of separate schools and the provisions of subsection 2 of section 71 of *The Separate Schools Act* shall apply save that the money payable to the Metropolitan Board shall as far as possible be paid in monthly instalments or from time to time as the Metropolitan Board shall require.

Rev. Stat.,
c. 356

Metropolitan
Board to be
board of
separate
school
trustees

17. Save as herein otherwise provided, the Metropolitan Board shall be an urban board of separate school trustees within the meaning of *The Separate Schools Act* and with respect to the district shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban board of separate school trustees by *The Separate Schools Act*.

Legislative
grants shall
not be
reduced

18.—(1) Nothing in this Act shall reduce the total amount of special and general legislative grants payable to or on behalf of any board having jurisdiction over a separate school division in the Metropolitan Area below the amount which would have been paid had this Act not been passed.

Applications
for
legislative
grants

(2) Each separate school board in the Metropolitan Area shall in each year apply to the Minister for all special and general legislative grants as if this Act had not been passed and such grants shall continue to be paid to that board or, if such board has been dissolved under this Act, to the Metropolitan Board.

Appoint-
ment of
auditors

19. The council of The Municipality of Metropolitan Toronto shall by by-law appoint one or more auditors who shall be persons licensed by the Department of Municipal Affairs as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Metropolitan Board, and, notwithstanding any of the provisions of this or any other

Act, only the auditor or auditors so appointed shall audit the accounts and transactions of the Metropolitan Board.

20. Nothing in this or any other Act shall extend the period ^{Exempted areas} of time for which any municipality or part of a municipality has been exempted, pursuant to clause *b* of section 9 or section 16 of *The Toronto and Suburban Separate School Board Act, 1941*, from the operation of that Act and upon the expiration of such period of exemption any municipality or part of a municipality so exempted shall become united to the district as provided in subsection 3 of section 10.

21. The provisions of this Act shall apply notwithstanding ^{Conflict with other Acts} the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act shall prevail.

22. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

23. This Act may be cited as *The Metropolitan Separate School Board Act, 1953*. ^{Short title}

SCHEDULE A

Wards	That part of the Metropolitan Area comprised in
1	Ward 1, Toronto
2	Ward 2, Toronto
3	Ward 3, Toronto
4	Ward 4, Toronto
5	Ward 5, Toronto
6	Ward 6, Toronto
7	Ward 7, Toronto
8	Ward 8, Toronto
9	Ward 9, Toronto
10	Long Branch, Mimico, New Toronto
11	Etobicoke, Weston
12	Swansea, York, Wards 2 and 3
13	Forest Hill, York, Ward 1
14	Leaside, North York
15	East York, Scarborough

SCHEDULE B

OATH TO BE TAKEN BY A VOTER

You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of twenty-one years;

That you are a ratepayer (*or*) that you are the wife (*or*) husband of a ratepayer (*as the case may be*);

That you are a Roman Catholic separate school supporter (*or*) that you are a Roman Catholic and the wife (*or*) husband of a Roman Catholic separate school supporter (*as the case may be*);

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

CHAPTER 120

An Act respecting the Township of North York

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the Township of North York by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between The Public Utilities Commission of the Township of Scarborough, The Corporation of the Township of North York and The Corporation of the Township of Scarborough, dated the 22nd day of September, 1952, respecting the sale of water by the Commission and the purchase of water by the Township of North York, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

Water agreement validated

2.—(1) Subsection 2 of section 3 of *The Township of North York Act, 1926* is amended by inserting after the word “enlarge” in the first line the word “alter” and by striking out the words “by adding thereto such portion or portions of the township” in the second and third lines, so that the subsection shall read as follows:

1926, c. 107, s. 3, subs. 2, amended

(2) The council may from time to time by by-law enlarge, alter or extend any such sewerage system area as the council may deem expedient.

May be altered

(2) Section 5 of *The Township of North York Act, 1926* is repealed and the following substituted therefor:

1926, c. 107, s. 5, re-enacted

5.—(1) Subject to section 6, the council by by-law may provide that the whole or part of the cost of the construction, extension, operation and maintenance of any of the works mentioned in section 4 shall be levied on all the lands in the sewerage system area for the benefit of which such works are constructed,

Levy of costs

(a)

- (a) according to the extent of their frontage, by an equal special rate per foot of such frontage; or
- (b) by a mill rate levied on the assessment of all the rateable property in the sewerage system area; or
- (c) by any combination of the levies provided for by clauses *a* and *b*,

and may in the by-law provide that all rates levied under the by-law shall be payable at the same time and in the same manner as the general taxes of the township.

Amendment
of by-laws

- (2) By-laws passed under this section may be amended from time to time.

Interpreta-
tion

3.—(1) In this section,

- (a) “benefit” means an immediate benefit or deferred benefit accruing to land or the owners and occupants thereof from the construction of a sewer or sewer system, or sewage works, or water works, and
 - (i) “immediate benefit” means the benefit which accrues immediately upon the completion of the works, and
 - (ii) “deferred benefit” means the benefit which accrues to lands or the owners or occupants thereof upon the completion of the whole or any part of the works whereby such lands may be serviced;
- (b) “capital cost” means all cost for the construction of works, or the acquisition of constructed works and interest thereon, including all items of cost usually and properly chargeable to capital account and includes the amount of debentures and interest thereon, if any, issued to finance the cost of construction or acquisition of a work, whether paid or unpaid, and includes the capital improvement of works by an extension, enlargement, alteration, replacement or other improvement thereof;
- (c) “existing work” means any work existing at the time of the passing of a by-law pursuant to this section;
- (d) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;

(e)

- (e) "person" includes individual, association, firm, partnership or corporation;
- (f) "rate or rates" means a charge for the capital cost of a work and "sewage service rate" means a charge for the operation and maintenance of a work to be paid by the owners or occupants of lands by any or all of the following methods:
 - (i) by a mill rate on the rateable property,
 - (ii) by a per foot frontage basis on the lands benefited,
 - (iii) on an acreage basis,
 - (iv) by a fixed rate on a gallonage basis ascertained by means of the water consumption registered on a water meter;
- (g) "sewage" means domestic sewage or industrial wastes, or both;
- (h) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (i) "sewer" means a public sewer for the use of the owners and occupiers of lands for carrying away sewage or land drainage, or both, from abutting lands;
- (j) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets, and includes the necessary pumping plant, force mains, siphons and other like works;
- (k) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;
- (l) "water works" means any water pipes, mains, pumps, tanks, buildings, equipment works and plant in connection with the supply of water, or any part thereof or any extension thereto;
- (m) "work" means a sewer, sewer system, sewage works, land drainage, water works or any part thereof, or any extension thereto, and all lands, easements and rights in connection therewith.

Rates

(2) Subject to the approval of the Ontario Municipal Board first being obtained, the council may by by-law authorize the construction of any work or the acquisition thereof, and may in the same or other by-laws provide for imposing upon the lands which, or the owners and occupants of which, derive, or will or may derive, a benefit from such work a rate or rates sufficient to pay such portion or percentage of the capital cost thereof as the by-law may specify, and with like approval any by-law passed under this section may be amended or replaced.

Rev. Stat.,
c. 215

- (a) No rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*.

Agreements
re acquisition
of
works

(3) Subject to the approval of the Ontario Municipal Board, the Township may by agreement undertake to charge a rate for and to pay the cost of installation or acquisition of any work owned, erected or installed by any person, and any such agreement may, among other things, provide for priority for specified lands respecting the use of such work and that the obligation of the Township to pay to any such person shall be limited to the sum or sums charged and collected for the capital cost of the said work by the Township as part of the annual rate or rates imposed on the designated lands until such obligation has been satisfied.

Designation
of land
in_by-law

(4) A by-law passed under subsection 2 shall designate the lands for which the owners or occupants are made liable for the rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law.

- (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
- (b) Land situate in an area for which a deferred benefit accrues may be changed to an area for which an immediate benefit accrues as and when determined by the council.

Application
of revenues

(5) Receipts derived in any year from a rate imposed under subsection 2 shall be applied and used towards the payment of principal and interest due in that year upon debentures, if any, issued for the work for the capital cost of which the rate is imposed or repayments as contemplated by subsection 3.

Rate for
existing
work

(6) Where there is land in the Township which has not or the owners or occupants of which have not been and are not

assessable

assessable or taxed with respect to an existing work and a work forming part of the existing work is to be constructed by means of which a benefit from the existing work accrues to or may or will accrue to such land or the owners or occupants of such land, the council may by by-law, passed with the approval of the Ontario Municipal Board, provide for imposing upon such lands a rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify, and the provisions of this section shall apply to a by-law passed under this subsection and with like approval any by-law passed under this subsection may be amended or replaced.

- (a) Such rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Receipts from such rates, if any, not required for payment of any part of the outstanding capital cost of existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A rate imposed under this subsection shall be separate from and in addition to the rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the work to be constructed to form part of the existing work.

(7) The council, for the purposes of subsections 2 and 6, ^{Rate structure} may by by-law passed under either of the said subsections or by separate by-law, with the approval of the Ontario Municipal Board, establish a rate structure upon which rates imposed under subsection 2 or 6 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between the several classes of works, and the kind of benefits accruing, and all other relevant matters to ensure that rates are imposed upon a basis that is equitable and just, and with like approval such by-law may be amended from time to time.

(8) The council may by by-law provide for imposing upon ^{Sewage service rate} the owners or occupants of land who use works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may provide.

- (a) The cost of maintenance and operation of a work for the purpose of this subsection does not include any part of or payment of the capital cost of the work, or for any depreciation, obsolescence, deferred maintenance, or other fund or reserve created with respect to the work.

Idem

(9) A sewage service rate may be imposed under subsection 8 notwithstanding that,

(a) a rate has also been imposed with respect to the capital cost of the same work; and

Rev. Stat.,
c. 215

(b) the work with respect to which it is imposed was constructed under *The Local Improvement Act*, or any other general or special Act.

Sewage
service rate
structure

(10) The council for the purpose of subsection 8 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 8 shall be based and calculated, and in establishing the rate structure the council may have regard to differentiating between classes of users, nature, volume and frequency of use, and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

Collection
of rates

(11) The council may by by-law establish systems for,

(a) fixing times, periods and frequencies at and for which rates imposed under subsection 2 or 6 and sewage service rates imposed under subsection 8 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;

(b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;

(c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;

(d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;

(e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a
lien

(12) A rate imposed under subsection 2 or 6 and a sewage service rate imposed under subsection 8 upon any owner or occupant of land shall be a lien and charge upon the land, and if the same or any part thereof remains unpaid after the due

date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectable.

4. The council of the Corporation may undertake as a local improvement work under *The Local Improvement Act* the widening of a pavement on a street and the widening of a sidewalk in, upon or along a street, and may levy the cost thereof on the properties fronting or abutting on the work in accordance with *The Local Improvement Act*, provided that there shall be included in the Corporation's portion of the cost so much of the cost of the work as is incurred in the construction or reconstruction of that part of the pavement on a street that exceeds a width of twenty-eight feet.

Widening of pavements or sidewalks as local improvements Rev. Stat., c. 215

5. Subsection 5 of section 1 of *The Township of North York Act, 1946* is repealed and the following substituted therefor:

1946, c. 130, s. 1, subs. 5, re-enacted

- (5) The council of the Corporation may by by-law, without petition, enlarge any street lighting area by adding thereto land for the benefit of which street lighting is to be provided, and the council shall determine the type of street lighting to be installed and the unit rate applicable thereto shall be assessed at the rate established by the local Commission at the request of council.
- Enlargement of street lighting areas

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Township of North York Act, 1953*.

Short title

SCHEDULE

THIS AGREEMENT made in triplicate this Twenty-second day of September, A.D. 1952.

BETWEEN:

THE PUBLIC UTILITIES COMMISSION OF THE TOWNSHIP
OF SCARBOROUGH, hereinafter called the "Commission",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF SCARBOROUGH,
hereinafter called "Scarborough",

OF THE THIRD PART.

WHEREAS the Commission is constructing a new plant to increase the supply of water for the Township of Scarborough, and upon the completion of such new plant has agreed to supply a certain quantity of water to the Township upon the terms and conditions hereinafter set out;

AND WHEREAS the Commission has agreed to supply and the Township has agreed to buy a minimum of 1,000,000 Imperial gallons of water per day from the date of the completion of the new plant for a term of twenty years, with the right to the Township to apply to the Commission for an increase in the said supply as the need of the Township arises to a maximum of 2,000,000 Imperial gallons of water per day. The date of the completion of the plant is understood to be in the sole discretion of the Commission or its Engineers.

NOW THIS AGREEMENT WITNESSETH:

(1) The Township agrees to purchase and the Commission agrees to sell a minimum of 1,000,000 Imperial gallons of water per day up to a maximum of 2,000,000 Imperial gallons of water per day, at a maximum rate of flow of 2,000,000 Imperial gallons per day, for a period of twenty years from the date of the completion of the new plant hereinbefore referred to, as certified by the Commission's Consulting Engineers, Messrs. Proctor, Redfern and Laughlin, the Commission to deliver such water at points in the boundary between the Township and Scarborough to be agreed on by the Engineers of the Commission and the Township and set forth in Schedule "A" hereto.

(2) The Township agrees with the Commission that it will accept the delivery of such supply of water during the said term, the amount so delivered to be shown by recording meters hereinafter mentioned, and to be ascertained every calendar month during the said term, and the Township agrees that it will pay to the Commission seventeen cents for each one thousand gallons used during each such calendar month, provided, however, that if the Township shall pay such account to the Commission within fifteen days after the receipt of the same, the Township shall be entitled to deduct from each such account a discount at the rate of one cent per one thousand gallons, making a net rate in each such case of sixteen cents per one thousand gallons.

(3) The Township further agrees that it will pay to the Commission an additional three cents (3c.) per one thousand gallons, such additional amount is understood to be the payment to the Commission for the capital expenditure required to be made by the Commission for the increase in the

size of the pipe from twelve inches (12") to sixteen inches (16") in diameter on Lawrence Avenue between Warden and Victoria Park Avenues to serve the Township at the point on Lawrence Avenue set out in Schedule "A". Such payment will continue until the said capital expenditure, together with interest thereon at the rate charged for such financing by the Ontario Municipal Improvement Corporation, has been paid, at which time such additional payment shall cease.

(4) The Township agrees to maintain at the points of delivery from the Commission's mains to the Township proper recording meters, approved by the respective Engineers of the Township and the Commission, for the purpose of measuring the supply of water delivered to the Township, and to maintain meter houses, valves and all other apparatus necessary to furnish such supply, together with the cut-off or any other valves or apparatus which such Engineers may consider necessary. Such meters, meter houses and appliances are to be maintained in a good, sufficient and proper state of repair by the Township and replaced from time to time as may be necessary, all such cost to be borne by the Township. If any additional recording meters, meter houses, valves or other apparatus and adjuncts are, in the opinion of the respective Engineers, necessary to furnish such supply, the same shall be erected, installed and maintained by the Township, the cost of which is to be borne by the Township.

(5) It is agreed between the Commission and the Township that the meters provided for recording the quantity of water delivered to the Township shall be read at the end of every calendar month, and an account for water supplied during each such period shall, within five days after such reading, be furnished by the Commission to the Treasurer of the Township, and the Township COVENANTS and AGREES with the Commission that it will, during the term of this agreement, pay the Commission, on or before the twentieth day after receiving such account, for all such water supplied to it at the rates aforesaid, the minimum amount of such account to be for 1,000,000 Imperial gallons per day for each day covered by such account.

(6) In case any of the meters shall at any time be out of repair or out of order so that they will not properly measure the supply of water which is being received by the Township, then the Township shall pay for water supplied on the days during which any meter may be out of repair or out of order the same amount per day as the average for the next succeeding three days after any such meter shall have been again put in working order.

(7) The Township shall at all reasonable times allow the Engineer or other duly authorized agent of the Commission access to the meters, valves and appliances at the points of delivery for the purpose of inspection or shut-off, and shall at all reasonable times permit such Engineer or agent to inspect the meter readings showing the amount of water supplied to the Township.

(8) Nothing hereinbefore contained shall operate to prevent the Commission from shutting down its plant for the purpose of effecting necessary repairs or doing such reasonable work in connection with its system as would be considered proper in water works engineering practice, and in such cases no damage shall be recoverable against or from the Commission, but it is understood and agreed by and between the parties hereto that, if possible, notice of intention to close down the Commission's plant shall be given at least twelve hours before such action takes place, but no notice shall be required in case of emergency.

(9) In case the Township shall make default in payment of water supplied for the space of ten days after the time hereinbefore provided for payment, then after the expiration of seven days' notice in writing the Commission may, at its option, if default in payment shall still exist, discontinue the supply of water and keep the same shut off until such default has been cured, and in such case shall not be liable for damages, direct or indirect, which may be suffered by the Township, or any person, firm or corporation as a result of such discontinuance, but in case the Township shall serve notice upon the Commission that it refuses payment pending the settlement of any dispute which may arise between the Commission and the Township, then the Commission shall not discontinue the supply of water pending the settlement of such dispute as hereinafter provided.

(10) Any notice required to be given the Township pursuant to this agreement shall be sufficiently given if delivered personally to the Clerk of the Township, or deposited in Her Majesty's Post Office at Birch Cliff or the City of Toronto, addressed to the Clerk at the Township Offices.

(11) In every case where "gallons" is referred to in this agreement it shall be read as "Imperial gallons".

(12) Any difference arising between the Township and the Commission as to the construction of this agreement, or any matters relative thereto, or as to any sum of money to be paid by the Township to the Commission, shall be submitted to The Ontario Municipal Board by either party for settlement, and each party agrees to be bound by the findings of such Board in respect to each and every matter which may be so submitted to it.

(13) Wherever in this agreement the words "day" or "daily" are used in connection with the supply of water, such words shall have reference to a day of twenty-four hours computed from 10.00 a.m. one day to 10.00 a.m. of the following day.

(14) The Township covenants with the Commission:

- (a) That it will pay to the Commission all moneys to which the Commission is entitled, or may become entitled, for water supplied, or to be supplied, or any other matters pursuant to any agreement between the Commission and the Township.
- (b) That it will not use the water supplied by the Commission to the Township, or permit or allow such last mentioned water to be used in any air conditioning installations whatsoever, except only in those air conditioning installations where water is only used for make-up purposes and none is permitted to run to waste.
- (c) That it will erect in the Don Mills Road area an elevated steel storage tank with a capacity of at least 500,000 gallons when the material and labour for the same are available.

(15) Scarborough hereby consents, pursuant to a resolution of its Council passed on the Fifteenth day of September, A.D. 1952, to the execution of this Agreement by the Commission as required by The Public Utilities Act, Revised Statutes of Ontario, 1950, Chapter 320, Section 41, subsection 5.

(16) This Agreement shall enure to the benefit of and be binding upon the Commission, the Township and Scarborough, their respective successors and assigns.

IN WITNESS WHEREOF the Commission, the Township and Scarborough have hereunto affixed their respective Corporate Seals under the hands of their proper Officers in that behalf.

SIGNED, SEALED AND DELIVERED
In the presence of

Approved and authorized by
By-law Number 7986 enacted
the 29th day of September;
1952.

THE PUBLIC UTILITIES COMMISSION
OF THE TOWNSHIP OF SCARBOROUGH

JOHN BROWN,
Chairman.
(Seal) R. HARRISON,
Secretary.

THE CORPORATION OF THE TOWNSHIP
OF NORTH YORK

NELSON A. BOYLEN,
Reeve.
(Seal) A. G. STANDING,
Clerk.

THE CORPORATION OF THE TOWNSHIP
OF SCARBOROUGH

OLIVER E. CROCKFORD,
Reeve.
(Seal) E. KNOTT,
Clerk.

SCHEDULE "A" referred to in an agreement between The Public Utilities Commission of the Township of Scarborough, The Corporation of the Township of North York and The Corporation of the Township of Scarborough, dated the Twenty-second day of September, A.D. 1952.

The water to be supplied by the Commission to the Township is to be delivered to the Township's mains at two points in the allowance for road between the westerly boundary of the Township of Scarborough and the easterly boundary of the Township of North York, one at Lawrence Avenue and one at Eglinton Avenue.

CHAPTER 121

An Act respecting the Town of Orillia

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the Town of Orillia Preamble by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement entered into by The Corporation of the Town of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 10th day of March, 1952, set forth as Schedule A hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto. Agreement confirmed

2. The agreement entered into by The Corporation of the Township of Orillia and the Orillia Soldiers' Memorial Hospital, Inc., dated the 11th day of February, 1953, set forth as Schedule B hereto, is ratified and confirmed and declared legal, valid and binding on the parties thereto. Idem

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Town of Orillia Act, 1953*. Short title

SCHEDULE A

MEMORANDUM OF AGREEMENT made in quadruplicate, this Tenth day of March, in the year of Our Lord one thousand nine hundred and fifty-two.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE TOWN OF
ORILLIA, hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Board of Directors of the Orillia Soldiers' Memorial Hospital, Inc. have undertaken the construction and equipment of additional facilities to the Hospital, approximating in cost Four Hundred and Eighty Thousand (\$480,000.00) Dollars;

AND WHEREAS the Party of the First Part has agreed to extend to the qualifying Orillians, who served in the World War of 1939 to 1945, the same hospital, medical and surgical privileges and services as were awarded to qualifying Orillia veterans of the Great War of 1914-1918;

AND WHEREAS the Party of the Second Part has agreed to assist the financing of the capital construction programme of the Hospital by contributing the sum of Ninety Thousand (\$90,000.00) Dollars towards the cost of the proposed additional facilities of the Hospital, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto, each for itself and its successors and assigns, does covenant and agree to, and with the other and its successors and assigns, in the manner following, that is to say:

1. The Hospital and its additions and subsidiaries shall be deemed a Memorial to those Orillians who gave their lives in the War of 1939-1945, as well as to those Orillia soldiers who died in the War of 1914-1918.

2. The Party of the First Part shall make provision in the construction of the proposed additions to incorporate a Memorial feature to the memory of those Orillians who gave their lives in the War of 1939 to 1945.

3. The Party of the Second Part shall raise by debenture the sum of Ninety Thousand (\$90,000.00) Dollars, and shall pay the proceeds received from the sale of such debentures to the Chairman and Treasurer of the Hospital in such sums as they may requisition from time to time to assist in the financing of the capital construction programme of the Hospital.

4. The Orillia Soldiers' Memorial Hospital shall at all times be maintained as a public and non-sectarian Hospital, open to all classes and denominations without discrimination as to race, creed, or colour.

5. In such Hospital, preference shall at all times be given to qualifying Orillia war veterans, and while hospitalized, they shall be entitled to hospital accommodation, medical and surgical care, medicines and drugs (i.e., those normally carried and provided by the Hospital for treatment of patients generally), and laboratory and X-ray services while hospitalized, without charge in such Hospital, except when suffering from contagious

diseases

diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

6. Any veteran hospitalized pursuant to the terms of this Agreement shall be placed in the Soldiers' Ward in preference to civilians, unless the nature of his illness precludes such placement, or unless said Ward is already filled with veterans.

7. The Party of the First Part shall make it a regulation of the Hospital that any physician or surgeon using the said Hospital shall, without charge to the veterans, furnish professional services which may be required by such veterans while hospitalized in the said Hospital under the provisions of this Agreement.

8. The veterans of the War of 1939 to 1945 entitled to such hospital accommodation shall include all those who have received an allowance of Fifteen Dollars (\$15.00) a month from the Department of Veterans Affairs, payable by way of gratuity and re-establishment credit, for any period of time of service from the outbreak of hostilities to the cessation of hostilities.

9. A Board of Reference shall be constituted for the purpose of deciding the eligibility of servicemen for free hospitalization. Such Board shall be composed of four members appointed by the Town Council of the Town of Orillia, of whom one, if possible, shall be an Officer of His Majesty's Forces who has served overseas in the Second Great War; one member appointed by the Hospital Board; and one member appointed by the Council of the Township of Orillia. No member of said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of said Board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the municipalities concerned. Vacancies upon said Board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time and for so long as may be necessary to make lists of the servicemen entitled to hospital accommodation under the terms of this Agreement, and to furnish copies of such lists to the Hospital Board for the time. Decisions of such Board shall be final, but any individual who has been refused eligibility, may appeal to such Board, who will then hold a special hearing to consider the case.

IN WITNESS WHEREOF the Parties hereto have attached their corporate seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of

A. LACEY

A. LACEY

ORILLIA SOLDIERS' MEMORIAL
HOSPITAL, INC.

H. W. CASWELL,
Secretary-Treasurer.
W. A. RALPH,
President.

THE MUNICIPAL CORPORATION OF
THE TOWN OF ORILLIA

J. AUSTIN COOK, *Mayor.*
H. E. M. PAYNE, *Clerk.*

SCHEDULE B

MEMORANDUM OF AGREEMENT made in quadruplicate, this Eleventh day of February, in the year of Our Lord one thousand nine hundred and fifty-three.

BETWEEN:

ORILLIA SOLDIERS' MEMORIAL HOSPITAL, INC.,
hereinafter called the Party,

OF THE FIRST PART,

—and—

THE MUNICIPAL CORPORATION OF THE TOWNSHIP
OF ORILLIA, hereinafter called the Party,

OF THE SECOND PART.

WHEREAS the Board of Directors of the Orillia Soldiers' Memorial Hospital, Inc., have undertaken the construction and equipment of additional facilities to the Hospital, approximating in cost Four Hundred and Eighty Thousand (\$480,000.00) Dollars;

AND WHEREAS the Party of the First Part has agreed to extend to the qualifying service personnel of the Township of Orillia, who served in the World War of 1939 to 1945, the same hospital, medical and surgical privileges and services as were awarded to qualifying veterans of the Great War of 1914-1918;

AND WHEREAS the Party of the Second Part has agreed to assist the financing of the capital construction programme of the Hospital by contributing the sum of Ten Thousand Dollars (\$10,000.00) towards the cost of the proposed additional facilities of the Hospital, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto, each for itself and its successors and assigns, does covenant and agree to, and with the other and its successors and assigns, in the manner following, that is to say:

1. The Hospital and its additions and subsidiaries shall be deemed a Memorial to those Orillia and Township of Orillia service personnel who gave their lives in the War of 1939-1945, as well as to those Orillia and Township of Orillia soldiers who died in the War of 1914-1918.

2. The Party of the First Part shall make provision in the construction of the proposed additions to incorporate a Memorial feature to the memory of those Orillia and Township of Orillia service personnel who gave their lives in the War of 1939 to 1945.

3. The Party of the Second Part shall raise by debenture the sum of Ten Thousand Dollars (\$10,000.00), and shall pay the proceeds received from the sale of such debentures to the Chairman and Treasurer of the Hospital in such sums as they may requisition from time to time to assist in the financing of the capital construction programme of the Hospital.

4. The Orillia Soldiers' Memorial Hospital shall at all times be maintained as a public and non-sectarian Hospital, open to all classes and denominations without discrimination as to race, creed, or colour.

5. In such Hospital, preference shall at all times be given to qualifying Township of Orillia and Orillia war veterans, and while hospitalized, they shall be entitled to hospital accommodation, medical and surgical care, medicines, and drugs (i.e., those normally carried and provided by the Hospital for treatment of patients generally), and laboratory and X-ray service while hospitalized, without charge in such Hospital, except when

suffering

suffering from contagious diseases which cannot be accommodated therein, so long as there is accommodation for them available, provided only that no veteran shall be entitled to more than three months' accommodation in any one year.

6. Any veteran hospitalized pursuant to the terms of this Agreement shall be placed in the Soldiers' Ward in preference to civilians, unless the nature of his illness precludes such placement, or unless said Ward is already filled with veterans.

7. The Party of the First Part shall make it a regulation of the Hospital that any physician or surgeon using the said Hospital shall, without charge to the veteran, furnish professional services which may be required by such veterans while hospitalized in the said Hospital under the provisions of this Agreement.

8. The veterans of the War of 1939 to 1945 entitled to such hospital accommodation shall include all those who have received an allowance of Fifteen Dollars (\$15.00) a month from the Department of Veterans Affairs, payable by way of gratuity and re-establishment credit, for any period of time of service from the outbreak of hostilities to the cessation of hostilities.

9. A Board of Reference shall be constituted for the purpose of deciding the eligibility of service personnel for free hospitalization. Such Board shall be composed of four members appointed by the Town Council of the Town of Orillia, of whom one, if possible, shall be an Officer of Her Majesty's Forces who has served overseas in the Second Great War; one member appointed by the Hospital Board; and one member appointed by the Council of the Township of Orillia. No member of said Board of Reference shall be a member of the body appointing him at the time of his appointment. Members of said Board shall continue as such during life, or until resignation, or until each such member ceases to be a resident of one of the Municipalities concerned. Vacancies upon said Board shall be immediately filled by the body making the original appointment. Such Board of Reference shall be empowered from time to time and for so long as may be necessary to make lists of the service personnel entitled to hospital accommodation under the terms of this Agreement, and to furnish copies of such lists to the Hospital Board for the time. Decisions of such Board shall be final, but any individual who has been refused eligibility, may appeal to such Board, who will then hold a special hearing to consider the case.

IN WITNESS WHEREOF the Parties hereto have attached their corporation seals duly attested by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

In the Presence of

W. A. HUME

W. A. HUME

W. G. BROWN

W. G. BROWN

ORILLIA SOLDIERS' MEMORIAL
HOSPITAL, INC.

HERBERT W. CASWELL,
Secretary-Treasurer.
G. W. PHELPS,
President.

THE MUNICIPAL CORPORATION OF
THE TOWNSHIP OF ORILLIA

W. T. REED,
Reeve.
ISABEL M. ROTH,
Clerk.

CHAPTER 122

An Act respecting the City of Ottawa

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the City of Ottawa by Preamble its petition has represented that it may be desirable that a commissioner be appointed to inquire into the Manor Park and other land developments in the City of Ottawa; and whereas the petitioner has prayed for special legislation to effect such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Upon receipt of a certified copy of a resolution of the council of The Corporation of the City of Ottawa requesting him to do so, and upon the recommendation of the Minister of Municipal Affairs, the Lieutenant-Governor in Council may by commission appoint a person to inquire into or concerning, Inquiry as to Manor Park land development

- (a) the land development or developments in that area of the City of Ottawa known as Manor Park both to the east and to the west of St. Laurent Boulevard, and both the existing development or developments and any projected extension thereof; and
- (b) any other land development in the City of Ottawa that is specified in the resolution.

(2) The commissioner shall have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. Powers Rev. Stat., c. 308

(3) The commissioner shall, with all convenient speed, report to the said council the result of the inquiry and the evidence taken. Report

Expenses

(4) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister of Municipal Affairs and paid forthwith by The Corporation of the City of Ottawa.

Counsel

(5) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, and any other person interested, may be represented by counsel.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Ottawa Act, 1953*.

CHAPTER 123

An Act respecting the City of Owen Sound

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the City of Owen Sound ^{Preamble} by its petition has prayed for special legislation to amend *The City of Owen Sound Act, 1938* so that the council ^{1938, c. 62} of the Corporation may be authorized to install a heating system in the Civic Auditorium and in order to finance the cost thereof to pass a by-law authorizing the issue of debentures of the Corporation for a sum not exceeding \$11,500; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Owen Sound Act, 1938* is amended by adding ^{1938, c. 62, amended} thereto the following section:

2a. Subject to the approval of the Ontario Municipal ^{Heating system} Board, the council of the corporation may install a heating system in the Civic Auditorium and in order to finance the cost thereof may pass a by-law authorizing the issue of debentures of the corporation for a sum not exceeding \$11,500 payable in equal annual instalments within a term not exceeding five years from the date of issue thereof and bearing interest at such rate as the council may deem advisable.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Owen Sound Act*, ^{Short title} 1953.

CHAPTER 124

An Act to dissolve the Sir Henry Mill Pellatt Trust

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS Charles Albert Gray, Esquire, Lieutenant- Colonel Robert Elmer Wodehouse, O.B.E., M.D., D.P.H. and Brigadier Raymond Myers Gorssline, D.S.O., M.B., D.P.H., hereinafter called the Trustees, by their petition have represented that they are the present Trustees under an Indenture dated the 25th day of May, 1933, between the late Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M.; that by the said Indenture securities to the face value of \$100,000 were transferred to the Trustees to be held by them in trust and to use the income therefrom for the use and benefit and for the advancement of the objects of The St. John Ambulance Brigade Overseas within the Dominion of Canada; that the Priory of Canada of the Venerable Order of the Hospital of St. John of Jerusalem, created by His late Majesty King George VI, in 1946, is not a corporate body; that The General Council of the Canadian Branch of the St. John Ambulance Association, incorporated by Act of the Parliament of Canada, being chapter 145 of the Statutes of Canada, 1914, is the only corporate body having to do with the said Priory; that the income from the said trust fund has been paid to the said The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas the Trustees have prayed that an Act be passed dissolving the said trust, discharging the Trustees from their duties and responsibilities as such, and transferring the assets forming the corpus of the trust to The General Council of the Canadian Branch of the St. John Ambulance Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees shall, as soon as conveniently may be after this Act comes into force, bring in and pass before a <sup>Passing of
accounts</sup>

Judge

Judge of the Surrogate Court of the County of Carleton their accounts in connection with the Trust established by the Indenture dated the 25th day of May, 1933, between Major General Sir Henry Mill Pellatt, Kt., C.V.O., D.C.L. as donor and Major General John Taylor Fotheringham, C.M.G., M.D.C.M., Colonel Henry Brock and Charles Joseph Copp, M.D.C.M., as Trustees.

Application
of
Rev. Stat.,
c. 400

2. The provisions of *The Trustee Act* shall apply on such passing of accounts.

Transfer
of assets
and dissolu-
tion of Trust

3. Upon such passing of accounts, the assets forming the corpus of the said Trust and any balance of moneys remaining in the hands of the Trustees as found by the Surrogate Court Judge on such passing shall be transferred by the Trustees to The General Council of the Canadian Branch of the St. John Ambulance Association and on such transfer the said Trust shall be and it is hereby declared to be dissolved and all assets forming the corpus of the said Trust shall be vested in the said The General Council of the Canadian Branch of the St. John Ambulance Association.

Discharge of
Trustees

4. Upon such transfer the Trustees shall be discharged from any further duties as such and shall be relieved of any liability incurred by them in respect of any act or thing done or omitted to be done by them or any of them in their capacity as Trustees of the said Trust.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Pellatt Trust Dissolution Act, 1953*.

CHAPTER 125

An Act respecting the City of Peterborough

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS The Corporation of the City of Peterborough Preamble
by its petition has prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
part of the Township of Smith to the City of Peterborough,
and the said Corporation and the Peterborough City Trust
have prayed for special legislation to repeal certain sections of
An Act respecting the City of Peterborough, being chapter 104
of the Statutes of Ontario, 1908; and whereas it is expedient to
grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Order P.F. M-497 of the Ontario Municipal Board Annexation
order
dated the 23rd day of January, 1953, set forth as the Schedule confirmed
hereto, is hereby confirmed.

(2) The said Order shall be deemed to have had effect on Effective
date
and after the 31st day of December, 1952.

2. Any lands of two acres or more, in the portion of the Special
assessments
Township of Smith annexed to the City of Peterborough by
the said Order and now used for agricultural or gardening
purposes, shall, so long as so used, be assessed in each year for
a period of five years at such amount as may be agreed upon
by The Corporation of the City of Peterborough and the
person assessed, or failing such agreement as shall be deter-
mined by the Ontario Municipal Board.

3. The public school and school site, known as the Queen School
boards, etc.
Elizabeth School, in the portion of the Township of Smith
annexed to the City of Peterborough by the said Order, shall
vest in The Board of Education of the City of Peterborough;
and the separate school and separate school site in the
annexed area known as St. Anne's Separate School shall vest
in The Board of Trustees of the Roman Catholic Separate

Schools for the City of Peterborough; and all the assets and liabilities of The Board of Trustees of School Section 13 of the Township of Smith in the annexed area shall vest in The Board of Education of the City of Peterborough by which the liabilities, if any, in respect thereof shall be assumed and paid and the said Trustee Board of School Section 13 shall cease to exist; and all the assets and liabilities of The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith in the annexed area shall vest in the Board of Trustees of The Roman Catholic Separate Schools for the City of Peterborough, by which the liabilities, if any, in respect thereof shall be assumed and paid, and the said The Board of Trustees of The Roman Catholic Separate School for School Section No. 13 in the Township of Smith shall cease to exist.

1908, c. 104,
ss. 4-15,
17, 18, 24,
25, 27-29,
repealed

4. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 24, 25, section 27 as amended by section 2 of chapter 114 of the Statutes of Ontario, 1913, and sections 28 and 29 of *An Act respecting the City of Peterborough*, being chapter 104 of the Statutes of Ontario, 1908, are repealed.

City
Trust
property

5. All debentures, bonds and securities of every kind, real and personal, now vested in The Peterborough City Trust shall be vested in The Corporation of the City of Peterborough on and after the 1st day of January, 1954.

Commence-
ment

6.—(1) This Act, except sections 4 and 5, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 5 come into force on the 1st day of January, 1954.

Short title

7. This Act may be cited as *The City of Peterborough Act, 1953*.

SCHEDULE

P.F. M-497

THE ONTARIO MUNICIPAL BOARD

Friday, the twenty-third day of January, A.D. 1953

BEFORE:

GEO. A. LISTER,
Member,

—and—

C. F. NUNN,
Member.IN THE MATTER OF "The Municipal
Act", Revised Statutes of Ontario,
1950, Section 20, andIN THE MATTER OF By-law Number
5052 of the Corporation of the
City of Peterborough, a by-law
to annex part of the Township of
Smith to the City of Peterborough.

UPON THE APPLICATION of the Corporation of the City of Peterborough in the presence of Counsel for the Corporation of the City of Peterborough, the Corporation of the Township of Smith and of Counsel for certain interested persons in the Township of Smith opposed to the said annexation and of certain property owners and residents of the Township of Smith who appeared in person, upon hearing read by-law number 5052 of the City of Peterborough filed with this Board authorizing this application, and upon hearing the evidence adduced at the public hearings held in the City of Peterborough on the 8th day of September, and the 6th and 7th days of November, 1952 pursuant to notice given in accordance with the directions of this Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid owners and residents.

THIS BOARD ORDERS that that part of the Township of Smith in the County of Peterborough described in Schedule "A" hereto, be and the same is hereby annexed to the City of Peterborough, and the said annexation shall take effect upon, and subject to, the following terms and conditions, namely:

1. Subject to Section 20, sub-section 15 and 16 of "The Municipal Act", R.S.O. 1950, Chapter 243, the annexation shall come into force and take effect at 12.00 midnight on the 31st day of December, A.D. 1952.

2. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed district to be levied by the City of Peterborough in respect of the said annexed territory, shall for the year 1953 and thereafter, be the same, and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates, levied and raised from time to time on the property within the old boundaries of the City as they existed on the 31st day of December, A.D. 1952, and the assessment of the said annexed territory by the City shall in the year 1953 and thereafter be on the same basis and made at the same time and in the same manner as in the said old boundaries of the City.

3. For the purposes only of 1953 taxation the assessment of the lands described in Schedule "A" hereto, including business assessment, shall be governed by the provision of Section 55 of "The Assessment Act" and all of the provisions of that section requiring the Council of the City of Peterborough to pass a by-law adopting the assessment of the lands annexed as last revised while they were part of the Township of Smith and requiring the City Clerk to give notices of such assessment and preserving all rights in respect of appeal shall apply notwithstanding anything contained in this Order, provided however that the Assessment Commissioner of the City of Peterborough may make additions to the said assessment roll as provided by Section 51 of "The Assessment Act".

4. The Township of Smith shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access

to

to the Assessment Rolls of the said lands set out in Schedule "A" and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same.

5. (a) All taxes imposed by the Township in the annexed area up to the 31st day of December, A.D. 1952, and all arrears of taxes owing in the said annexed area shall belong to the Township of Smith.

(b) The Corporation of the Township of Smith shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, A.D. 1952, and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of Smith in said annexed area as set out in Paragraph 5 (a) hereof according to said special Collector's Roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the Corporation of the City of Peterborough to the said Corporation of the Township of Smith within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon the municipalities by the Assessment Act, or other Act in force regarding the collections of arrears of taxes in the annexed area, but the City Corporation shall not be responsible to the Corporation of the Township of Smith for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of Smith shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of Smith or their officials or servants in connection with the said Special Roll.

6. (a) All rights, title and interest in the Corporation of the Township of Smith and the Corporation of the County of Peterborough in the highways and streets in the said area together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the area so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of Smith, in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

7. The residents of the area to be annexed from and after the 31st day of December, A.D. 1952, shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. The area annexed shall form part of the North Ward, namely Ward Number 4 of the City of Peterborough.

9. The City Corporation shall assume and pay from and after the 31st day of December, A.D. 1952, all costs and charges arising under the Unemployment Relief Act, R.S.O. 1950, Chapter 403, The Public Hospitals Act, R.S.O. 1950, Chapter 307, The Children's Protection Act, R.S.O. 1950, Chapter 53, The Sanatoria for Consumptives Act, R.S.O. 1950, Chapter 346, The Homes for the Aged Act, R.S.O. 1950, Chapter 168 and amendments to said Acts, in respect of persons resident in the City of Peterborough solely by reason of this annexation.

10. That, if the Township of Smith and the County of Peterborough fail to agree upon the assessment of the said Township, as reduced by reason of this annexation for an equalized assessment for County rates, the matter shall be adjusted according to section 92 (2) of "The Assessment Act", R.S.O. 1950, Chapter 24.

11. The Corporation of the Township of Smith, the County of Peterborough and the City of Peterborough, and all local boards and school sections affected by the annexation hereby ordered shall be entitled to an adjustment of assets and liabilities and all such adjustments shall be made as of the 1st day of January, A.D. 1953. In the event of the parties hereto being unable to agree upon the adjustment of assets and liabilities, then such question of adjustment may be referred to any person whom the Ontario Municipal Board shall appoint who shall make inquiry and report to the Ontario Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in Section 20 of The Municipal Act, R.S.O. 1950, Chapter 243 and Section 39 of The Public Schools Act, R.S.O. 1950, Chapter 316.

12. The district administration of High Schools as represented by the Board of the Peterborough High School Suburban Area, shall be adjusted to conform to the new boundaries of the two Municipalities as fixed by this Order and all necessary adjustments of payments shall be subject to agreement between the Board of the Peterborough High School Suburban Area and the Peterborough Board of Education and failing agreement the matter shall be referred to the Municipal Board for decision.

13. And the Board hereby reserves all further orders or directions within its powers in respect to the annexation hereby ordered for determination upon the application of any of the municipalities or local boards affected by this Order.

14. And the Board further orders that the applicant Corporation shall pay the Board's fees herein fixed at \$250.00 (exclusive of the sum of \$50.00 paid on the filing of the said application) together with the further sum of \$80.65 being the cost of reporting the said public hearing, and makes no further order as to costs.

(Seal)

(Sgd.) W. J. MOORE,
Vice-Chairman.

Schedule "A"

DESCRIPTION

AREAS IN THE TOWNSHIP OF SMITH TO BE ANNEXED TO THE CITY OF PETERBOROUGH

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Smith in the County of Peterborough and the Province of Ontario and being composed of parts of Lots numbers 15 to 19 inclusive in the 2nd and 3rd Concessions of the said Township, parts of Lots numbers 1, 2, 3 and 4, east of Communication Road, and parts of Lots numbers 1, 2 and 3, west of Communication Road in the said Township, including parts of Registered Plans numbers 15, 17, 18, 20, 24, 26, 28, 29, 30, 31, 32 and 42 for the said Township; which said lands may be further described as follows, that is to say:—

COMMENCING at a concrete monument in the southern limit of Highway Number 28 according to Deposited Plan Number 2451 in the Registry Office for the said County, distant 338 feet measured on a course north 44 degrees 13 minutes east along the said limit from a concrete monument placed at the intersection thereof with the line between the east and west halves of the said Lot number 19 in the said 3rd Concession of the said Township;

Thence south 38 degrees 18 minutes east, to the centre line or middle thread of the Otonabee River;

Thence

Thence southerly along the centre line or middle thread of the Otonabee River to its intersection with the eastern production of the centre line of Langton Street in the City of Peterborough;

Thence westerly along the said production, to and along the said centre line of the said Langton Street, to the centre line of the said East Communication Road;

Thence southerly along the said centre line of East Communication Road, to the eastern production of the southern limit of Registered Plan Number 42 for the said Township;

Thence westerly to and along the said southern limit of said Registered Plan Number 42 and its western production to and along the centre line of Wolsley Street, as shown on Registered Plans numbers 24 and 29 for the said Township, to the centre line of Donegal Street (formerly Dixon Street as shown on Registered Plan number 17 for the said Township);

Thence northerly along the said centre line of Donegal Street, to its intersection with the centre line of Bellevue Street, as shown on said Registered Plan number 17;

Thence westerly along the said centre line of Bellevue Street to its intersection with the centre line of Fairbairn Street (formerly Mill Street as shown on said registered Plan number 17);

Thence northerly along the said centre line of Fairbairn Street to its intersection with the line between Lots numbers 1 and 2 west of Communication Road;

Thence westerly along the said line and its westerly production to the western limit of West Communication Road;

Thence northerly along the said western limit of West Communication Road, to its intersection with the western production of the northern limit of the southern 150 feet of Lots numbers 1 to 6 inclusive, of Registered Plan number 18 for the said Township;

Thence easterly along the last mentioned limit, to the eastern limit of said Lot number 6;

Thence southerly along the eastern limits of Lots numbers 6 and 7 and Lee Street according to said Registered Plan number 18 to the south eastern angle of the said Registered Plan, and being in the northern limit of Registered Plan number 15 for the said Township;

Thence easterly along the northern limit of said Registered Plan number 15 to a point distant 250 feet as measured westerly along the said limit from the north eastern angle of Lot number 1 according to the said Registered Plan number 15;

Thence northerly across parts of Lots numbers 2 and 3 west of Communication Road, parallel to the eastern limits of the said lots and distant 250 feet in perpendicular width therefrom to a point in the northern limit of the said Lot number 3 west of Communication Road;

Thence easterly along the said limit, 250 feet to the north-eastern angle of the said Lot number 3;

Thence easterly along the eastern production of the said northern limit, to the north western angle of Lot number 3, east of Communication Road;

Thence easterly along the northern limit of the said Lot number 3 east of Communication Road, to a point distant 150 feet westerly from the north eastern angle thereof;

Thence northerly over part of Lot number 4 east of Communication Road, and parallel to the eastern limit of the said Lot number 4 and distant

150 feet westerly therefrom, to the intersection with a line drawn westerly at right angles with the western limit of Lot number 15 in the 3rd Concession of the said Township, through a point in the said western limit distant 167.53 feet northerly from the south-western angle of the said Lot number 15;

Thence easterly crossing said Lots numbers 15, 16, 17, 18 and 19 in the said 3rd Concession, and being parallel to the southern limits thereof and distant 150 feet northerly therefrom to its intersection with the north western limit of the said Highway number 28;

Thence south-easterly being along a line drawn at right angles to the south-eastern limit of the said highway through the said point of intersection to a point in the said south-eastern limit of the said highway;

Thence northerly along the said south-eastern limit to the point of commencement.

TOGETHER WITH all those parts of original allowances for roads between Concessions, Township Lots, Registered Plans and Registered Plans Lots, within the area herein above defined.

ALL OF WHICH is further detailed in the following appendix:

1. In Concession 3 of the Township of Smith:

- (a) Part of the east and west halves of Lot number 19 in the 3rd Concession of the said Township, lying south-easterly of the said highway, and westerly of the line drawn on a course south 38 degrees 18 minutes east through the point of commencement of the hereinbefore described limit.
- (b) The south 150 feet of Lots numbers 15, 16, 17, 18 and the west half of Lot number 19 in the said 3rd Concession.

2. In Concession 2 of the Township of Smith:

All of Lots numbers 15, 16, 17, 18 and 19, in the 2nd Concession of the said Township.

3. In Lot number 4, east of Communication Road:

The east 150 feet of the southerly 1471.1 feet of Lot number 4, east of Communication Road.

4. In Lot number 3, east of Communication Road:

All of Lot number 3, east of Communication Road.

5. In Lot number 2, east of Communication Road:

All of Lot number 2, east of Communication road including,

- (a) Registered Plan number 26
Lots numbers 1, 3, 6, 7, 9 and 10
McClelland Street
Barnardo Avenue
Gordon Street
- (b) Registered Plan number 28
Lots numbers 69 to 77 inclusive
Hartley Street
Barnardo Avenue
- (c) Registered Plan number 30
Lots numbers 1 to 12 inclusive
Block A
Hartley Street
Barnardo Avenue
Benson Street

(d)

- (d) Registered Plan number 31
Lots numbers 1 to 15 inclusive
Block, A
Hartley Street
Lee Street
Barnardo Avenue
McClennan Street
 - (e) Registered Plan number 32
Lots 1 to 47 inclusive
Block A
Gordon Street
Hall Street
Sherbourne Street
McClennan Street
Lee Street
- 6. In Lot number 1, east of Communication Road:
All the north half of Lot number 1, east of Communication Road, including:
 - (a) Registered Plan number 24
Lots numbers 30 to 119
Block A
Wolsley Street
Bennet Street
Bellevue Street
Barnardo Avenue
Benson Street
Aylmer Street
 - (b) Registered Plan number 42
Lots numbers 1 to 52 inclusive
Dumble Avenue
Argyle Street
Hilliard Street
- 7. In Lot number 1, west of Communication Road:
Part of the north half of Lot number 1 west of Communication Road included in:
 - (a) Registered Plan number 17
Lots numbers 1 to 52 inclusive
Lots numbers 61 to 64 inclusive
Lots numbers 105 to 108 inclusive
Wolsley Street
Bellevue Street
High Street
Fairbairn Street
Donegal Street
 - (b) Registered Plan number 29
Lots numbers 1 to 36 inclusive
Wolsley Street
Wellington Street
Bellevue Street
Donegal Street
Downie Street
- 8. In Lot number 2, west of Communication Road:
 - (a) Registered Plan number 15
Lots numbers 1 to 6 inclusive
Highland Road
 - (b) Registered Plan number 20
Lots numbers 1 to 35 inclusive
Raymond Street

William Street
Nicholls Street
Lee Street
Fairbairn Street

- (c) Registered Plan number 18
The south 150 feet of Lots numbers 1 to 6 inclusive
All of Lots numbers 7, 8 and 9
Lee Street
- (d) The east 250 feet of said Lot number 2 east of Communication Road, being north of said Registered Plan number 15.

9. In Lot number 3, west of Communication Road:

The east 250 feet of said Lot number 3 west of Communication Road.

CHAPTER 126

An Act respecting the City of Peterborough
Separate School Board

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS The Board of Trustees of the Roman Catholic Preamble
Separate Schools for the City of Peterborough, herein-
after called the Board, by its petition has represented that it is
expedient to provide for the election of its members as herein-
after set forth; and whereas it is expedient to grant the
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding the provisions of *The Separate Schools* Election of
Act, an election by general vote, without regard to wards or trustees
ward boundaries, by the resident ratepayers who are supporters by general
of the separate schools of the City of Peterborough for the vote
trustees of the Board, shall be held in the year 1953 at the Rev. Stat.,
same time and place and by the same returning officer or c. 356
officers and shall be conducted in the same manner as the
municipal nominations and elections in and for the City of
Peterborough, and the provisions of *The Municipal Act* Rev. Stat.,
respecting the time and manner of holding nominations for c. 243
elections including the method of receiving nominations for
office, the resignation of persons nominated and declarations of
qualification of office shall apply *mutatis mutandis* to such and
all subsequent elections.

2. Notwithstanding the provisions of *The Separate Schools* Vacancies
Act, the Board may, by appointment, between any two
elections, fill any vacancies which may occur in the Board.

3. This Act comes into force on the day it receives Royal Commence-
Assent. ment

4. This Act may be cited as *The City of Peterborough* Short title
Separate School Board Act, 1953.

CHAPTER 127

**An Act respecting the Board of Education of
the Town of Port Colborne**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS the Board of Education of the Town of Port Colborne by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The membership of the Board of Education established under *The Boards of Education Act* for the Union School Section of the Town of Port Colborne in the County of Welland and School Section Number Eight of the Township of Humberstone in the said County, comprising the High School District of Port Colborne, shall be the same as that provided for a town in clauses *c*, *d* and *e* of subsection 1 of section 7 of *The Boards of Education Act*. Membership of Board of Education
Rev. Stat., c. 38

2. The first members of the Board as constituted under section 1 shall take office on the 1st day of January, 1954. First members

3. Nominations and elections for the Board shall be held in 1953 and thereafter at the same time and place and by the same returning officer as the municipal nominations and elections in the Town of Port Colborne, and the persons qualified to vote in School Section Number Eight shall vote at such polling place as shall be designated by the returning officer for the Town of Port Colborne. Nominations and elections

4. The clerk of the Township of Humberstone shall annually furnish the clerk of the Town of Port Colborne with a certified copy of the list of voters qualified to vote on public and secondary school matters in School Section Number Eight. Voters' lists

5. The name of the Board shall be The Port Colborne Board of Education. Name

Applica-
tion of
Rev. Stat.,
c. 38

6. Subject to this Act, all the provisions of *The Boards of Education Act* shall apply.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Port Colborne Board of Education Act, 1953*.

CHAPTER 128

An Act respecting the Riverside Cemetery Company of Port Arthur

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS the "Riverside Cemetery Company of Port Arthur" by its petition has represented that it was incorporated under that name in or about 1884 under *An Act respecting Cemetery Companies*, being chapter 170 of the Revised Statutes of Ontario, 1877, and that the fact of such incorporation is a recital in *An Act respecting the Riverside Cemetery Company of Port Arthur*, being chapter 82 of the Statutes of Ontario, 1886, and that the records in connection with the incorporation have been lost and there is now no documentary evidence of its incorporation; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Riverside Cemetery Company of Port Arthur, hereinafter called the Corporation, shall be deemed to have been properly incorporated as a body corporate and politic in 1884 under the said *An Act respecting Cemetery Companies* and to have continued and shall continue as a body corporate and politic.

(2) The Corporation shall be without share capital.

No share capital

2. The Corporation shall be subject to *The Companies Act* and the provisions thereof shall apply as if it had been incorporated under that Act and the Corporation shall also be subject to *The Cemeteries Act*.

Application of Rev. Stat., cc. 59, 46

3. The purposes of the Corporation shall be as follows:

Purposes of Corporation

(a) To maintain and operate the cemetery heretofore maintained and operated at the City of Port Arthur, in the District of Thunder Bay, under the said name.

(b)

- (b) To take and accept all gifts, legacies and bequests of money or other personalty and to acquire, hold and possess by gift, devise, bequest, purchase or otherwise, lands, tenements or hereditaments and interests therein for the use, support or purpose of the Corporation, and all persons and bodies corporate shall have the full unrestricted right to give, grant, devise and bequeath to the Corporation any land or interest in land or any goods, chattels and effects, but nothing herein shall authorize the Corporation to engage in the business of trading in real estate.
- (c) To establish, maintain and operate, if and when deemed advisable, a crematorium, columbarium and funeral chapel in connection with the said cemetery and in accordance with *The Cemeteries Act*.
- (d) To borrow money upon the credit of the Corporation by way of overdraft on any bank or banks or otherwise, and to issue bonds, debentures or other securities of the Corporation for such sums as the Corporation may determine and at such rate of interest and for such periods as the Corporation may deem expedient, and to pledge or sell the same for such sums and at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the real or personal property of the Corporation, or both, to secure such bonds, debentures or other securities and any moneys borrowed for the purposes of the Corporation.
- (e) To invest the moneys of the Corporation not immediately required for the purposes of the Corporation in any securities in which, under *The Trustee Act* or any other Act, trustees may invest trust funds.
- (f) To do any or all of the above things as principals, agents, contractors, trustees or otherwise and by or through agents or otherwise and either alone or in conjunction with others.
- (g) To do all such things as are incidental or conducive to the attainment of the above objects or any of them.

Rev. Stat.,
c. 46

Rev. Stat.,
c. 400

Membership

4. Any person owning one hundred superficial feet of land in the cemetery shall be entitled to become a member of the Corporation upon application and be eligible to become a director and the interest of a member in the Corporation shall be transferable in accordance with the by-laws and regulations from time to time in force.

5. The directors of the Corporation shall constitute the committee of management of the Corporation. Committee of management

6. The directors may from time to time make by-laws and regulations, not contrary to law or any provision of the letters patent, supplementary letters patent, if any, or *The Companies Act*, and from time to time, amend, vary or repeal the same, respecting: By-laws and regulations

- (a) The admission of members and the election or appointment of directors, trustees and officers.
- (b) The time and place of holding and the calling of meetings of members, trustees and directors and the requirements as to proxies and the procedure at and the conduct of such meetings.
- (c) The payment of officers and employees.
- (d) The control, management and conduct of the affairs of the Corporation.

7. Every by-law and regulation and every repeal, amendment, modification or variation thereof, unless in the meantime confirmed at a general meeting duly called for that purpose, shall have force only until the next annual meeting of the Corporation, and in default of confirmation thereat shall from that time cease to have force and in that case no new by-law or regulation to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting of the Corporation. Confirmation of by-laws, etc.

8. Such by-laws, regulations, amendments, modifications and variations shall replace, exclude and modify the regulations set out in Form 4 to *The Companies Act*, save that in any matters covered by Form 4 and not provided for in the Corporation's by-laws and regulations, the regulations and provisions of Form 4 shall apply and be in force but all such matters which after the passing of the Corporation's by-laws and regulations may be left to be governed by Form 4, may be varied, amended, excluded or modified by any by-laws or regulations. Application of Rev. Stat., c. 59, Form 4

9. The title to the lands heretofore acquired by the Corporation and conveyed into the name of the Corporation as set forth in Schedule A, and the title to the lands heretofore acquired by the Corporation and conveyed into the names of trustees for and on behalf of the Corporation as set forth in Schedule B, and the right of the Corporation to hold same, is hereby ratified and confirmed. Title to lands

Previous
acts con-
firmed

10. All acts done and performed by the Corporation within the scope of the authority granted by the said *An Act respecting Cemetery Companies* and amendments thereto or substitutions therefor are hereby ratified and confirmed.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Riverside Cemetery Company of Port Arthur Act, 1953*.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, and being composed of part of the North East Quarter of Section 50 of the Township of McIntyre, now in the City of Port Arthur, and more particularly described as follows:

COMMENCING at a point in the northerly limit of Oliver Road, at a distance of Six hundred and sixty feet (660') westerly from the east boundary of said section and measured at right angles thereto, said point being the place of beginning; thence north parallel to the said east boundary of Section 50, a distance of eight hundred and eleven and eight-tenths feet (811.8') to the north boundary thereof; thence west along said north boundary a distance of two hundred and fifteen and eight-tenths feet (215.8'); thence south thirty-seven (37) degrees west a distance of nine hundred and seven and five-tenths feet (907.5'); thence west astronomically a distance of one hundred and ninety-eight feet (198') to a point on the south-easterly shore of the old channel of the McIntyre River; thence south and westerly along said shore to a point, said point being at a distance of five hundred and five and six-tenths feet (505.6') and on a bearing of south forty-two (42) degrees ten (10) minutes west from the last mentioned point; thence south twenty-eight (28) degrees thirty-six (36) minutes east a distance of two hundred and nine and six-tenths feet (209.6') to the northerly limit of Oliver Road, thence north-easterly along said limit one thousand three hundred and thirty feet (1,330') more or less to the place of beginning.

SCHEDULE B

Firstly: ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being that part of north-east quarter of Section 50, McIntyre Township, now in the City of Port Arthur, described as follows:

COMMENCING at a point in the north boundary of Section 50, McIntyre Township, now the City of Port Arthur, at a distance of fifteen hundred and thirty-five and eighty-two one hundredths feet (1535.82') from the north-east angle thereof; thence south at right angles to said north boundary thirty-three feet (33') to a point, which is the point of commencement; thence continuing south six hundred and ninety-five feet (695') to the north boundary of Riverside Cemetery; thence east along said north boundary of the cemetery one hundred and thirteen feet (113') to an angle; thence north thirty-seven degrees east (N. 37 E.) eight hundred and sixty-six and twenty-five one hundredths feet (866.25') more or less to a point distant perpendicularly thirty-three feet (33') south from the north boundary of Section 50; thence west parallel to and at a distance of thirty-three feet (33') southerly from the said north boundary six hundred and thirty-four and thirty-three one hundredths feet (634.33') back to the point of commencement, and containing five and ninety-six one hundredths acres (5.96 acres).

Secondly: ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, and being composed of part of the south-east subdivision of Section 40 formerly in the Township of McIntyre, containing by admeasurement thirty-six (36) acres more or less, which portion is more particularly described as follows:

COMMENCING at a point in the easterly boundary of the said Section 40 where it is intersected by the production westerly of the southerly boundary of Montgomery Avenue and continuing westerly along the said

production

production a distance of thirty-three feet (33') to a point, which said point is the point of commencement of this description; thence westerly and along the said westerly production of the southerly boundary of Montgomery Avenue a distance of one thousand three hundred and two feet (1,302') to a point; thence southerly and parallel to the easterly boundary of the said Section 40 a distance of one thousand five hundred and thirty feet (1,530') more or less to the southerly boundary of the said Section 40; thence easterly and along the said southerly boundary a distance of six hundred and seventy-five feet (675') more or less to a point where a post has been planted at the north-west angle of St. Andrew's Cemetery, being the lands described in a certain Deed dated the 18th day of September, 1885, from Robert Laird, *et ux*, and William Henry Laird, of the One Part, to The Roman Catholic Episcopal Corporation of the Diocese of Peterborough, Ontario, of the Other Part, and registered on the 6th day of October, 1885, in the Registry Office for the Registry Division of Port Arthur as Number 769; thence northerly and parallel to the easterly boundary of the said Section 40 a distance of six hundred and ninety-five feet (695') to a point; thence easterly and parallel to the southerly boundary of the said Section 40 a distance of six hundred and twenty-seven feet (627') more or less to a point thirty-three feet (33') perpendicularly distant from the easterly boundary of the said Section 40; thence northerly and parallel to the easterly boundary of the said Section 40 and at a uniform distance of thirty-three feet (33') therefrom a distance of eight hundred and thirty-five feet (835') more or less to the point of commencement.

CHAPTER 129

An Act to incorporate The Roman Catholic Bishop of Fort William

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS the Most Reverend Edward Quentin Jennings, the Roman Catholic Bishop of the Diocese of Fort William, by his petition has represented that a new diocese has been created under the name of "The Diocese of Fort William", which comprises in part that portion of The Diocese of Sault Ste. Marie lying west of the eighty-sixth meridian of longitude and in part that portion of The Archdiocese of St. Boniface situate in Ontario, the boundaries of which new diocese are more particularly described as:

Preamble

Commencing at a point on the Interprovincial Boundary between Ontario and Manitoba where the said boundary is intersected by the centre line of the road allowance between Townships Forty-four, Range XVI, and Forty-five, Range XVI, of Manitoba, the said centre line being the twelfth base line of the system of Dominion Land Surveys; thence easterly to the ninety-first meridian of longitude; thence south along the ninety-first meridian of longitude to the height of land separating the Albany River watershed from the Great Lakes watershed; thence easterly following the said height of land to its intersection with the eighty-sixth meridian of longitude; thence south along the eighty-sixth meridian of longitude to the International Boundary; thence westerly along the International Boundary to the westerly boundary of Ontario; thence north along the said westerly boundary of Ontario to the place of beginning;

and that certain real and personal property within the said territorial boundaries of The Diocese of Fort William is now standing registered in the names of either The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada, a corporation incorporated by special Act, being chapter 121 of the Statutes of Ontario, 1905, or La Corporation Archevêque Catholique Romaine de St. Boniface, a corporation incorporated by special Act, being chapter 149 of the Statutes of Ontario, 1911, or in the names of parishes or missions as corporations created pursuant to special Act, being chapter 150 of the Statutes of Ontario, 1911; and whereas the petitioner has prayed that an Act be passed incorporating The Roman Catholic Bishop of Fort William and his successors in office as a corporation sole and vesting in The Roman Catholic Bishop of Fort William as a corpora-

tion

tion sole all real and personal property within the territorial boundaries of The Diocese of Fort William now vested in The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada and La Corporation Archevêpiscopale Catholique Romaine de St. Boniface and in the names of any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation

1. On and after the day this Act comes into force, the Most Reverend Edward Quentin Jennings, the Roman Catholic Bishop of the Diocese of Fort William and his successors in office for the time being, duly nominated and appointed as such Bishop according to the usages and rites of the Roman Catholic Church, is hereby created a corporation sole, with perpetual succession and a corporate seal, under the name "The Roman Catholic Bishop of Fort William" (hereinafter called the Corporation), with power, notwithstanding any act or law respecting mortmain and charitable uses, to acquire and hold lands, and all lands, real estate, tenements and hereditaments heretofore granted, conveyed or devised to, or which are hereafter granted, conveyed or devised to The Roman Catholic Bishop of Fort William are hereby vested in the Corporation, subject to any trusts affecting the same, and with power, subject to all existing trusts, to sell, convey, lease, mortgage or otherwise deal with the same or any part thereof.

Borrowing power

2. The Corporation may borrow money in such amounts, on such terms, and from such persons, firms and corporations, including chartered banks, as may be determined by the Corporation, and may issue and sell or pledge bonds, debentures and obligations upon such terms and conditions as the Corporation may decide, and may mortgage, charge and hypothecate its real and personal property, and may pledge its general credit to secure such bonds, debentures and obligations, and may make, draw, endorse and negotiate promissory notes and bills of exchange.

Vesting of property in Corporation

3.—(1) All real and personal property situate within the boundaries of The Diocese of Fort William as set out and described in the preamble which is now vested or standing either in the name of The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or in the name of La Corporation Archevêpiscopale Catholique Romaine de St. Boniface or in the names of any

parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, is hereby vested in the Corporation; and, subject to any trusts affecting the same, the Corporation may sell, convey, mortgage, lease or otherwise deal with the said property under the name and seal of The Roman Catholic Bishop of Fort William.

(2) No contract or engagement entered into or liability incurred by The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie, in Ontario, Canada or La Corporation Archiepiscopale Catholique Romaine de St. Boniface or any parishes or missions as corporations created pursuant to chapter 150 of the Statutes of Ontario, 1911, affecting the real or personal property hereby vested in the Corporation shall be affected by such vesting and all such contracts, engagements and liabilities affecting the said real or personal property shall devolve upon, be binding upon and be discharged by the Corporation. ^{Existing contracts, etc.}

4. The Bishop for the time being is hereby empowered to execute all conveyances, mortgages, bonds, debentures or other instruments in the name of the Corporation and to affix the seal of the Corporation thereto. ^{Execution of documents}

5. Upon a vacancy happening in the office of The Roman Catholic Bishop of Fort William or in case the Bishop for the time being of the Diocese, from sickness, infirmity or any other cause, becomes incapable of performing his duties in the Diocese, then the person who for the time being is appointed, according to the usages and rites of the Roman Catholic Church, to administer the affairs of the Roman Catholic Church in The Diocese of Fort William shall during such vacancy or incapacity have the same powers as are by this Act conferred upon the Corporation or the Bishop. ^{Vacancies.}

6. A declaration on the face of any conveyance, mortgage, bond, debenture or other instrument that it has been executed by the person and in the manner mentioned in sections 4 and 5 is sufficient evidence of the matters therein referred to. ^{Declaration as evidence}

7. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

8. This Act may be cited as *The Roman Catholic Bishop of Fort William Incorporation Act, 1953.* ^{Short title}

CHAPTER 130

**An Act respecting The Roman Catholic
Episcopal Corporation for the Diocese of
Peterborough, in Ontario, Canada**

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Roman Catholic Episcopal Corporation ^{Preamble}
for the Diocese of Peterborough, in Ontario, Canada,
by its petition has represented that by an Act passed in the
eighth year of the reign of Her late Majesty Queen Victoria,
chaptered 82 and entitled *An Act to Incorporate the Roman* ^{1845, c. 82}
Catholic Bishops of Toronto and Kingston, in Canada, in each
Diocese, it was enacted, amongst other things, that whenever
it might be deemed expedient to erect any new diocese or
dioceses in that part of the Province formerly called Upper
Canada, the Bishop or Bishops of such new diocese or dioceses,
and his or their successor or successors for the time being,
should have the same powers as were by the said Act conferred
upon the Bishops of Kingston and Toronto respectively;
and that in pursuance of the authority conferred by the said
Act a new diocese was, prior to the year 1882, erected in Upper
Canada and called the Diocese of Peterborough; and that by
an Act passed in the forty-sixth year of the reign of Her late ^{1882-3, c. 65}
Majesty Queen Victoria, chaptered 65, the then Bishop of
the said Diocese and his successors were constituted a body
corporate under the name of "The Roman Catholic Episcopal
Corporation for the Diocese of Peterborough, in Ontario,
Canada", enjoying all the powers and privileges and subject
to the provisions contained in the said Act passed in the eighth
year of the said reign, chaptered 82, and further powers to
borrow moneys on mortgages were also conferred on the
Corporation; and that by an Act passed in the fifth year of the
reign of His late Majesty King George V, chaptered 94, ^{1915, c. 94}
further powers were conferred on the Corporation to borrow
moneys for the purposes of the Corporation upon the security
of promissory notes and bills of exchange, and for the moneys
so borrowed, to make, draw, endorse, become a party to and
deliver promissory notes and bills of exchange, and that the
same should be binding without the seal of the Corporation
being attached thereto; and whereas by the petition it has
further represented that it will be in the interest of the Diocese
at large that the powers of borrowing already conferred should

be clarified and amplified with a view to removing doubts which have arisen as to the power of the Corporation to borrow money on the credit of the Corporation, and to sign, draw, endorse, make and issue promissory notes, bills of exchange, guarantees, bonds, debentures and obligations, and to mortgage, charge, hypothecate and pledge the real and personal property of the Corporation; and whereas the petitioner has prayed that an Act be passed so as to clarify and amplify the powers of the Corporation and to remove the said doubts; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Borrowing
power

1. The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, may borrow money on the credit of the Corporation in such amounts, on such terms, and from such persons, firms or corporations, including chartered banks, as may be determined by the Corporation.

Guarantee
of obliga-
tions of
others

2. The said Corporation may guarantee, with or without security, upon such terms as it may determine, any indebtedness of, the performance of any obligations of, and the repayment of any advances made to or for the purpose of any Roman Catholic corporation, organization, association or society engaged in activities in or partly in the Diocese of Peterborough, in Ontario, Canada, or any officers thereof or any pastor of a parish in the Diocese of Peterborough, in Ontario, Canada, and notwithstanding that any such corporation, organization, association or society may not have power to borrow money, any such guarantee shall be valid and binding upon the said Corporation in the same way as if such corporation, organization, association or society had power to borrow money.

Security

3. The said Corporation may hypothecate, pledge or charge any or all the personal property of the Corporation to secure any moneys so borrowed or the fulfilment of any guarantee entered into by it, or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of
bonds, etc.

4. The said Corporation may issue bonds, debentures and obligations on such terms and conditions as the Corporation may decide, and may pledge or sell such bonds, debentures and obligations for such sums, and at such prices, as the Corporation may decide, and may mortgage, charge, hypothecate

or pledge all or any part of the real or personal property of the Corporation to secure any such bonds, debentures and obligations.

5. Notwithstanding any of the provisions of the above-recited Acts, every such promissory note, bill of exchange, guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the Bishop of the said Diocese on behalf of the Corporation under the corporate seal of the Corporation shall be legal, valid and binding upon the Corporation and the execution of any guarantees in the manner aforesaid shall be conclusive evidence that such guarantees are valid and binding upon the Corporation.

Execution of notes, bonds, etc.

6. It is hereby declared that the said Corporation shall be bound for payment of all moneys heretofore borrowed by and in the name of the Corporation and shall be liable on all guarantees heretofore entered into by and in the name of the Corporation, notwithstanding that the Corporation may not have had power to borrow such moneys or to enter into such guarantees, as such borrowing or such guarantees would have been valid if done or entered into after this Act had come into force.

Existing borrowings confirmed

7. The persons, firms or corporations, including chartered banks, from whom any moneys may be borrowed by the Corporation shall not be obliged to see to the application of the said moneys or any part thereof.

Lender not obliged to see to application of moneys

8. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria, chaptered 82, the Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, chaptered 65, and the Act passed in the fifth year of the reign of His late Majesty King George V, chaptered 94, and the powers by this Act conferred shall be deemed to be in addition to the powers conferred upon the said Corporation by the said Acts, and in the case of conflict between the provisions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

Construction with prior Acts

9. This Act comes into force on the day it receives Royal Assent.

Commencement

10. This Act may be cited as *The Roman Catholic Episcopal Corporation for the Diocese of Peterborough, in Ontario, Canada, Act, 1953*.

Short title

CHAPTER 131

An Act respecting Société Nationale de Fiducie

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS Société Nationale de Fiducie (hereinafter Preamble called the company) by its petition has represented that it was established under the name of L'Association Nationale Fiduciaire under *An Act to amend the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 121 of the Statutes of Quebec, 1903; that the name of the company was changed to Société Nationale de Fiducie by section 25 of *An Act to consolidate the charter of L'Association Saint Jean-Baptiste de Montreal*, being chapter 93 of the Statutes of Quebec, 1912; that its present authorized capital is \$250,000 divided into 25,000 shares of the par value of \$10 each, all of which have been subscribed for, allotted and issued and the subscription price thereof, namely \$250,000, has been paid in full; and that the company had at 31st December, 1952, a general reserve fund of \$500,000; and whereas the company has prayed that an Act be passed authorizing it to transact the business of a trust company in Ontario in conformity to the public general law thereof; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Upon giving security to the satisfaction of the Lieu-Registration
 tenant-Governor in Council in a sum of not less than \$200,000, under Rev.
 the company may, upon filing with the Registrar appointed Stat., c. 214
 under *The Loan and Trust Corporations Act* a power of attorney as required by section 116 of that Act, be admissible to registry under that Act, and upon being so registered shall be authorized and empowered to carry on and exercise in Ontario the business of a trust company with those of the powers set forth in that Act which are within the capacity of the company.

2. The Lieutenant-Governor in Council may at any time Further
 or from time to time require an increase in the amount of such security by a notice in writing to the manager or secretary
 of the chief agency of the company in Ontario; and if the company fails to furnish such increased security within two

months

months after such notice, then and thereupon the company shall, *ipso facto*, become disentitled and shall cease to do further business in Ontario.

Chief agency
in Ontario

3. The chief agency of the company for Ontario shall be in the City of Ottawa, and the company shall keep at that chief agency a manager and secretary who, as well as all other officers at the said agency or in Ontario, shall in respect of all business transacted by the company in Ontario be absolutely subject to the control of the courts of Ontario as fully as if the head office of the company were within Ontario, and as if the company were wholly managed and controlled therein.

Investments

4. All the investments of the company in respect of all trust business entrusted to it in Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court or of any judge thereof) be wholly invested at one or other of the agencies of the company in Ontario; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies and under the control of the courts of Ontario, and shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of Ontario, authorized to invest trust funds.

Extent of
powers

Rev. Stat.,
c. 214

5. The company shall be limited, in respect of all business relating to property and civil rights or provincial objects in Ontario, to the powers mentioned in *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of that Act and to the general public law of Ontario relating to trust companies and trusts.

Separate
accounts

6. Subject to section 76 of *The Loan and Trust Corporations Act*, the moneys and securities of each trust shall always be kept distinct from those of the company and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company and at no time shall trust moneys form part of or be mixed with the general assets of the company.

Trust
property

7. Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Jurisdiction
of courts
and judges
in Ontario

8. In the case of the appointment of the company to any trust or office by any court or judge in Ontario, such court or

judge

judge may at any time and from time to time require the company to render an account of its administration of the particular trust or office to which the company has been so appointed and a judge of the Supreme Court may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security offered to those by or for whom its engagements are held and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

9. Nothing in this Act shall be deemed to authorize the company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act* nor to continue except when so registered. ^{Proviso} ^{Rev. Stat., c. 214}

10. This Act comes into force on the day it receives Royal Assent. ^{Commence-}^{ment}

11. This Act may be cited as *The Société Nationale de Fiducie Act, 1953*. ^{Short title}

CHAPTER 132

An Act respecting the City of Stratford

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the City of Stratford ^{Preamble} by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands composed of the Market Square between Downie and Wellington Streets in the City of Stratford more particularly described as follows: ^{Market Square vested in Corporation}

Firstly: All and singular that certain parcel or tract of land and premises situate, lying and being in the Village of Stratford in the County of Perth and Province of Canada containing by admeasurement one acre of land and which may be known and more particularly described as follows that is to say: Commencing at a point where the eastern boundary of Wellington Street intersects the western boundary of the Downie Road and running thence south twenty-four degrees east along the western boundary of the Downie Road four chains ninety-seven links thence north eighty-seven degrees west four chains fifty-one links thence north thirty degrees along the eastern boundary of Wellington Street four chains ninety-seven links to the place of beginning so as to comprise one acre of land.

The said land being described in an Indenture made the 27th day of August, 1855, between Donald McDonald, as Grantor, and the Municipal Council of the Village of Stratford, as Grantee, and was registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford on the 11th day of September, 1855, as No. 579.

Secondly: All and singular the said parcel of land known as Block "C" on said amended plan made by Silas James and registered in the Registry Office for the North Riding of the County of Perth on the twenty-fifth day of March A.D., 1887. The land to be conveyed comprising a strip of land thirty feet in width abutting on the south side of the present Market grounds of the said City and extending from Downie Street to Wellington Street in the said City.

The said plan is numbered 88 for the City of Stratford and the said lands are described in Indenture made the 22nd day of April, 1887, between Frances McDonald, as Grantor, and the Corporation of the City of Stratford, as Grantee, and registered in the Registry Office for the Registry Division of the County of Perth in Book "U" for the City of Stratford on the 30th day of May, 1887, as No. 15873.

are hereby vested in The Corporation of the City of Stratford in fee simple.

Restrictions
annulled

2. The trusts and special purposes mentioned in the grants of the lands described in section 1 from Donald McDonald to the said Corporation as set out in Indenture dated the 27th day of August, 1855, and registered in the Registry Office for the County of Perth in Folio 619 for the Village of Stratford as No. 579 and those lands set out in the Indenture from Frances McDonald to the said Corporation dated the 22nd day of April, 1887, and registered in the Registry Office for the County of Perth in Book "U" for the City of Stratford as No. 15873 are hereby annulled.

Power to
use, sell, etc.

3. Notwithstanding anything in the grants mentioned in section 2, the Corporation shall have power to sell, lease, convey and contract or use the said lands and every part thereof, subject nevertheless to the reservations as to mineral rights expressed in the original grant from the Crown.

Parking
meters

4. Without limiting the generality of section 3, the council of the Corporation may pass by-laws to provide at such fee or charge as to the council of the said Corporation may appear proper, spaces for parking of vehicles and to provide parking meters or other means of collecting such fee or charge and to govern and regulate such parking and to impose penalties for infractions thereof as to the council may appear proper and for this purpose the Corporation shall have all powers, privileges and immunities *mutatis mutandis* provided under paragraph 7 of section 486 of *The Municipal Act*.

Rev. Stat.,
c. 243

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Stratford Act, 1953*.

CHAPTER 133

An Act respecting the City of Toronto

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS The Corporation of the City of Toronto Preamble
 by its petition has prayed for special legislation in
 respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The council of the Corporation may in any year increase Authority
to increase
annual grant
to Toronto
Convention
and Tourist
Association
to \$17,500
 the annual grant that it gives to the Toronto Convention
 and Tourist Association, Inc. from \$12,500 to a total amount
 not exceeding \$17,500 for the maintenance of the Association.

2. Section 18 of *An Act respecting the City of Toronto*, 1911,
c. 119, s. 18,
amended
 being chapter 119 of the Statutes of Ontario, 1911, as amended
 by section 8 of *The City of Toronto Act, 1947*, is further amended
 by striking out the symbol and figures "\$6,000" in the amend-
 ment of 1947 and inserting in lieu thereof the symbol and
 figures "\$8,000", so that the section shall read as follows:

18. Each member of the Commission, except the Mayor, Salary of
Toronto
Electric
Commis-
sioners
 shall be entitled to such annual salary not exceeding
 \$8,000, as the Board may determine.

3. Section 8 of *An Act respecting the City of Toronto*, 1921,
c. 126, s. 8,
amended
 being chapter 126 of the Statutes of Ontario, 1921, is amended
 by adding thereto the following subsection:

(2) In this section,

Interpre-
tation

(a) "employee" means any salaried officer, clerk,
 workman, servant or other person in the
 employ of the municipality or of a local board
 and includes any person designated as an
 employee by the Minister of Municipal
 Affairs;

(b)

- (b) "local board" includes any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

Composite
ballot
papers
authorized

4.—(1) The council of the Corporation may by by-law authorize the use of composite ballot papers at the municipal elections in the City of Toronto, which composite ballot papers shall contain the names of the candidates for each office arranged in alphabetical order in the order of their surnames or if there are two or more candidates for the same office with the same surname, in the order of their given names.

Idem

(2) A composite ballot paper may contain the names of candidates for the office of mayor, controller, alderman, and board of education or separate school board and may contain any municipal question or questions and any by-law or by-laws upon which a vote is to be taken; or a composite ballot paper may contain the names of candidates for any one or more of such offices and may include a question or questions and a by-law or by-laws upon which a vote is to be taken.

Idem

(3) No elector shall be given a composite ballot paper containing the names of candidates for an office or containing a question or by-law for which he is not entitled to vote.

Idem
Rev. Stat.,
c. 243

(4) The provisions of *The Municipal Act* relating to ballot papers shall *mutatis mutandis* apply to this section.

Authority
to regulate
traffic
during
emergencies

5.—(1) The council of the Corporation may pass by-laws for regulating traffic for temporary periods on account of the holding of parades, funerals or special events or the performance of maintenance or construction work on a public highway; and any such by-law may provide for placing, regulating and maintaining upon any such public highway traffic signs directing traffic or prohibiting the parking or standing of vehicles, and may provide that such signs shall have the same force and effect as signs erected pursuant to the provisions of a traffic by-law approved by the Department of Highways; and may provide for penalties against the driver and the owner of all motor vehicles violating a by-law passed under this section or a sign erected in accordance with such by-law.

(2) No signs erected pursuant to the authority contained in this section shall have any force or effect for a temporary period longer than fourteen days. Proviso

6. The council of the Corporation may pass by-laws to authorize The Parking Authority of Toronto, Authority to extend powers of The Parking Authority of Toronto

- (a) to lease to others the land or structures or parts thereof under its control for parking purposes subject to such limitations and conditions as may be provided in the by-law passed by council or in the lease made by The Parking Authority of Toronto;
- (b) to grant to others the right to sell gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, lights, spark plugs and batteries for motor vehicles or to make minor or running repairs essential to the actual operation of motor vehicles, or to wash and clean motor vehicles upon the land or structures or parts thereof under the control of The Parking Authority of Toronto or leased by it to others.

7. The council of the Corporation may pass by-laws to provide that the owner as well as the driver of a motor vehicle shall incur the penalties provided for violation of a by-law of the council relating to any municipal parking facility or of any regulation made by The Parking Authority of Toronto within its powers, unless at the time of the violation the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur. Motor vehicle owner and driver liable for penalties

8. The agreement between Her Majesty the Queen in right of Ontario and the Corporation set forth in the Schedule to this Act is ratified and confirmed and declared to be legal, valid and binding upon the Corporation, and the Corporation is hereby empowered to carry out its obligations and exercise its privileges thereunder. Agreement between Ontario and Toronto confirmed

9. The council of the Corporation may pass by-laws exempting from taxes, other than local improvement charges, such land, as defined in *The Assessment Act*, at 145 Beverley Street in the City of Toronto, as is owned and occupied by the Jewish Immigrant Aid Society of Canada, so long as the said land continues to be used for the purposes of the Jewish Immigrant Aid Society of Canada. Tax exemption Rev. Stat., c. 24

10.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1953.

Short title

11. This Act may be cited as *The City of Toronto Act, 1953*.

SCHEDULE

THIS AGREEMENT, made in quadruplicate, this 25th day of February, one thousand nine hundred and fifty-three:

BETWEEN:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works, hereinafter called "the Province",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE SECOND PART.

WHEREAS the Province is the owner of a certain parcel of land situate at the south-east corner of York and Queen Streets in the City of Toronto and being more particularly described in the Appendix hereto; and

WHEREAS the City may divert the said York Street at and about its intersection with the said Queen Street, and the Province is willing in that event to make available to the City the lands described in the Appendix in the manner and upon the terms and conditions herein contained; and

WHEREAS there is doubt that the City is competent under legislation presently in force to carry out the provisions of this agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Province, in consideration of the premises and the covenants of the City hereinafter contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the City to the Province (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the City as follows:

1. That the Province will and does hereby give to the City an option irrevocable during the period of six years next following the date hereof, thereafter to be void, to purchase for or in connection with the diversion of the said York Street, free from encumbrances, the said lands described in the Appendix hereto, for a price or sum to be mutually agreed upon between the Parties, or in the event that no agreement can be reached, to be settled by arbitration under *The Municipal Arbitrations Act*. Without limiting any other means by which the option hereby given may by law be accepted, the same may be accepted by resolution or by-law of the City communicated to the Province by mailing a copy of the same or a notice of the effect thereof to the Minister of Public Works for the time being, or to his successor, and acceptance by this means or by any other means by law permitted shall constitute a binding contract of purchase and sale.

AND FURTHER THIS AGREEMENT WITNESSETH that the City, in consideration of the premises and the covenants of the Province herein contained and the sum of One dollar (\$1.00) of lawful money of Canada now paid by the Province to the City (the receipt whereof is hereby acknowledged) does hereby covenant and agree with the Province as follows:

2. That upon the constituting of the contract of purchase and sale referred to in paragraph numbered 1 the City hereby agrees to sell and convey to the Province whatever lands if any lie north of the north limit of Richmond Street West in the said City of Toronto and between the present west limit of York Street and the west limit of such last-mentioned street as it exists after the proposed diversion has been completed and south

of the south limit of Queen Street, the price or sum to be paid therefor to be mutually agreed upon between the Parties, or in the event that no agreement can be reached to be settled by reference to the Official Arbitrator appointed for Toronto under *The Municipal Arbitrations Act*, and the provisions of that Act shall *mutatis mutandis* apply to such reference; provided that the conveyance of the said lands shall be withheld until the work upon such diversion has been completed.

3. That the City will not expropriate the whole or any part of the lands now occupied by Osgoode Hall, being the lands bounded on the south by Queen Street, on the west by University Avenue, on the north by Osgoode Street and on the east by Chestnut Street, so long as such lands are occupied for the purposes of the Courts or of the Law Society of Upper Canada, except with the approval of the Lieutenant-Governor in Council.

4. That after receiving the conveyance from the City of the said lands referred to in paragraph number 2 the Province may serve upon the City a notice requiring it to remove from beneath the surface of the said lands the public utilities or services, or any plant, equipment and fixtures used in connection therewith and the City will, within six months next following the receipt of such notice, at its own cost and expense remove such utilities, services, plant, equipment and fixtures.

AND FURTHER THIS AGREEMENT WITNESSETH that for the respective considerations before-mentioned it is hereby agreed and understood between the parties hereto as follows:

5. That the City will not be required to remove from beneath the surface of the ground before or at the time of the conveyance to the Province of the lands referred to in paragraph numbered 2 any public utilities, services, or any plant, equipment or fixtures used in connection therewith.

6. That for the purpose of fixing the price or sum to be paid by the Province to the City for the lands referred to in the said paragraph numbered 2 any public utilities or services upon, under, over or through such lands and any plant, equipment or fixtures used in connection with such utilities or services shall not decrease the value of such lands and such price or sum shall be computed as if the said utilities, services, plant, equipment or fixtures did not exist upon, under, over or through such lands.

7. That neither of the parties hereto will sell, mortgage, lease, or place or allow to be placed any encumbrances whatsoever upon any lands affected by this agreement during the time that such lands may be conveyed to the other Party pursuant to this agreement.

IN WITNESS WHEREOF the Parties hereto have caused these presents to be duly executed.

WITNESS:

HER MAJESTY THE QUEEN in Right of Ontario, as represented herein by the Honourable William Griesinger, Minister of Public Works:

(Seal)

W. GRIESINGER.

THE CORPORATION OF THE CITY OF TORONTO:

ALLAN A. LAMPORT,
Mayor.

(Seal)

G. A. LASCELLES,
Treasurer.

This

This is the Appendix to the agreement made between
HER MAJESTY THE QUEEN and THE CORPORATION OF THE
CITY OF TORONTO, dated this 25th day of February, 1953.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being in the City of Toronto, in the County of York, in the Province of Ontario, and being composed of part of Town Lot 8 on the north side of Richmond Street, according to the Plan of the Town of York, and shown marked in red on the accompanying sketch, L.S.-8, the boundaries of the said parcel of land being described as follows:

PREMISING that the easterly limit of York Street has a bearing of North Sixteen Degrees West (N. 16° 00' W.), and relating all bearings thereto:

COMMENCING at the north-westerly angle of the said Town Lot 8, being the point of intersection of the southerly limit of Queen Street West and the easterly limit of York Street;

Thence southerly along the said easterly limit of York Street, a distance of Two hundred and eighteen feet, eleven and three-quarters of an inch (218' 11 $\frac{3}{4}$ "), to the northerly limit of Richmond Street West;

Thence easterly along the said northerly limit of Richmond Street West Sixty-eight feet and three-quarters of an inch (68' 0 $\frac{3}{4}$ "), more or less, to the point of intersection of the said northerly limit of Richmond Street West with the site of a line of a former old fence representing in 1935 the limit between lands described in Registered Instrument No. 841-S on file in the Registry Office for the Registry Division of Toronto and the lands to the East thereof, described in Registered Instrument No. 14069-ES, on file in the said Registry Office;

Thence northerly along the line of the said fence, One hundred and nine feet, four inches (109' 4"), to the point of intersection of the last named limit with the site of the line of the northerly face of the northerly wall of the former old frame shed standing upon the northerly part of the lands described in the said Registered Instrument 14069-ES, the last mentioned point of intersection being distant Sixty-nine feet seven inches (69' 7") measured easterly on a course parallel with the said northerly limit of Richmond Street West from the said easterly limit of York Street;

Thence easterly along the said site of the line of the northerly face of the northerly wall of the former frame shed, Eleven feet, eight and one-half inches (11' 8 $\frac{1}{2}$ "), to a point in the centre line of the said Lot, the last mentioned point being distant, One hundred and nine feet, two and three-eighths inches (109' 2 $\frac{3}{8}$ "), measured northerly on a course parallel to the said easterly limit of York Street, from the said northerly limit of Richmond Street West;

Thence easterly along the said centre line of lot, Thirty-eight feet, nine and three-quarter inches (38' 9 $\frac{3}{4}$ "), to the point of intersection of the said centre line of lot with the production southerly of the easterly face of the easterly foundation wall of a brick building formerly standing on the lands herein described, the last mentioned point of intersection being distant One hundred and nine feet and five-eighths of an inch (109' 0 $\frac{5}{8}$ ") measured southerly on a course parallel to the said easterly limit of York Street, from the said southerly limit of Queen Street West;

Thence northerly, along the said production to and along the site of the said easterly face of the easterly foundation wall of the last mentioned brick building and continuing thence northerly in a straight line in all a distance of Fifty-nine feet and five-eighths of an inch (59' 0 $\frac{5}{8}$ ") more or less to a point distant fifty feet south of the southerly limit of Queen Street West measured on a line drawn parallel to the easterly limit of York Street and distant One hundred and twenty feet (120') easterly therefrom, measured along a line drawn parallel to the said southerly limit of Queen Street West;

Thence

Thence westerly and parallel to the said southerly limit of Queen Street West, a distance of Three feet, two and three-quarter inches ($3' 2\frac{3}{4}"$), to a point in the site of the easterly face of the easterly wall of a brick building formerly standing on the lands herein described;

Thence northerly in a straight line a distance of Fifty feet ($50' 0"$), to a point in the said southerly limit of Queen Street West, the last mentioned point being distant One hundred and sixteen feet nine inches ($116' 9"$), measured easterly along the said southerly limit of Queen Street West from the said north-westerly angle of the said Lot 8;

Thence westerly along the said southerly limit of Queen Street West, a distance of One hundred and sixteen feet nine inches ($116' 9"$), more or less, to the point of commencement.

TOGETHER with all rights of any and every nature or kind whatsoever, which are in any way appurtenant to the lands hereinbefore described, in, over, along and upon that certain parcel of land lying immediately to the east of the lands hereinbefore described, the boundaries of the last mentioned parcel of land being described as follows:

COMMENCING at the north-easterly angle of the lands hereinbefore described, being a point in the said southerly limit of Queen Street West;

Thence southerly along the easterly limit of the lands hereinbefore described, a distance of Fifty feet ($50' 00"$);

Thence easterly parallel with the said southerly limit of Queen Street West, Nine feet two and one-half inches ($9' 2\frac{1}{2}"$), more or less, to the westerly face of the westerly wall of a brick building standing at the date hereof upon the lands lying immediately to the east of the Parcel now under description;

Thence northerly along the said westerly face of brick wall, a distance of Twelve feet nine inches ($12' 9"$), more or less, to a point in the northerly extremity thereof, the last mentioned point being distant Seven feet nine inches ($7' 9"$), measured easterly on a course parallel with the said southerly limit of Queen Street West from the said easterly limit of the lands hereinbefore described;

Thence northerly along the westerly face of the westerly wall of an old frame and metal clad building standing at the date hereof upon the northerly part of the said lands lying immediately to the east of the said Parcel now under description, a distance of Thirty-seven feet four and one-half inches ($37' 4\frac{1}{2}"$), more or less, to the said southerly limit of Queen Street West;

Thence westerly along the last mentioned limit, a distance of Seven feet two and three-quarter inches ($7' 2\frac{3}{4}"$), more or less, to the point of commencement.

The Parcel lastly described being shown marked in brown on the accompanying sketch, L.S.-8.

(Plan attached)

CHAPTER 134

An Act respecting the City of Welland

Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953

WHEREAS The Corporation of the City of Welland by Preamble
its petition has represented that the debenture by-law
and agreements hereinafter mentioned have been approved
by by-law of the Board of Water Commissioners of the City
of Welland and the respective councils of the City of Welland
and the Townships of Crowland, Humberstone, Pelham and
Thorold, and all such by-laws and agreements have been duly
approved by the Ontario Municipal Board; and your petitioner
has prayed for special legislation validating the said by-laws
and agreements; and whereas it is expedient to grant the prayer
of the petition;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. By-law No. 2236 passed by The Corporation of the City Debenture
by-law
confirmed
of Welland on the 16th day of December, 1952, set forth as
Schedule A hereto, is hereby confirmed and declared to be
legal, valid and binding upon the Corporation and the rate-
payers thereof.

2. Order No. P.F. C-8250 of the Ontario Municipal Board Municipal
Board
order
confirmed
dated the 12th day of November, 1952, set forth as Schedule B
hereto, is hereby confirmed.

3. By-law No. 1162 passed by The Corporation of the By-laws
and
agreement
confirmed
Township of Crowland on the 17th day of July, 1951, set
forth as Schedule C hereto; By-law No. 2136 passed by The
Corporation of the City of Welland on the 2nd day of October,
1951, set forth as Schedule D hereto; By-law No. 56 passed
by the Board of Water Commissioners of the City of Welland
on the 24th day of July, 1951, set forth as Schedule E hereto,
and the Agreement entered into by the said parties, set forth
as Schedule F hereto, are hereby confirmed and declared to be
legal, valid and binding upon the parties thereto.

4. By-law No. 946 passed by The Corporation of the By-laws
and
agreement
confirmed
Township of Humberstone on the 16th day of July, 1951,
set forth as Schedule G hereto; By-law No. 2133 passed by

The

The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule H hereto; By-law No. 58 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule I hereto, and the Agreement entered into by the said parties, set forth as Schedule J hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws
and
agreement
confirmed

5. By-law No. 1351 passed by The Corporation of the Township of Pelham on the 4th day of August, 1951, set forth as Schedule K hereto; By-law No. 2134 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule L hereto; By-law No. 59 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule M hereto, and the Agreement entered into by the said parties, set forth as Schedule N hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

By-laws
and
agreement
confirmed

6. By-law No. 112 passed by The Corporation of the Township of Thorold on the 16th day of July, 1951, set forth as Schedule O hereto; By-law No. 2135 passed by The Corporation of the City of Welland on the 2nd day of October, 1951, set forth as Schedule P hereto; By-law No. 57 passed by the Board of Water Commissioners of the City of Welland on the 24th day of July, 1951, set forth as Schedule Q hereto, and the Agreement entered into by the said parties, set forth as Schedule R hereto, are hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Welland Act, 1953*.

SCHEDULE A

BY-LAW No. 2236

WATER WORKS EXTENSION DEBENTURE BY-LAW

THE CORPORATION OF THE CITY OF WELLAND

A By-law to authorize the borrowing of \$200,000.00 upon debentures for the extension of water works system and distribution system and all other necessary accessories for supplying water in and about the City of Welland.

WHEREAS the Board of Water Commissioners of the City of Welland has asked permission of the Corporation as represented by its Council to construct a water reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone, and is now applying to the Corporation of the City of Welland to provide the necessary moneys for these purposes;

AND WHEREAS the said Board and City have entered into agreements with the said Municipalities whereby their inhabitants may make use of the proposed system under terms and conditions already agreed upon and approved by the said Councils of the said contracting Municipalities;

AND WHEREAS the Municipal Council of the Corporation of the City of Welland deems it expedient to borrow for the above purposes and no other, a sum not exceeding \$200,000.00 upon the credit of the Corporation and to issue debentures therefor bearing interest payable annually at $4\frac{1}{2}\%$ per annum, as shown in Schedule A attached to and forming part of this By-law;

AND WHEREAS it is deemed expedient to make the principal of the debt repayable in annual instalments during the period of twenty years next after the date of issue of such debentures;

AND WHEREAS by Certificate Number 52-B-359 dated the 29th day of October, 1952, the Department of Health of the Province of Ontario has approved the purpose of such borrowing;

AND WHEREAS by an Order dated the 12th day of November, 1952, the Ontario Municipal Board has approved By-laws, including Debenture By-laws;

AND WHEREAS the amount of the whole rateable property of the said Municipality according to the last revised Assessment Roll thereof is \$18,360,455.00;

AND WHEREAS the amount of the Debenture debt of the said Corporation exclusive of local improvement debt secured by special rates or assessment is \$687,154.68, of which no part of the principal or interest is in arrears;

NOW THEREFORE the Municipal Council of The Corporation of the City of Welland enacts as follows:

1. The Board of Water Commissioners of the City of Welland (subject to the approval of the said Board under Section 67 of The Ontario Municipal Board Act, R.S.O. 1950, Chapter 262) is hereby authorized to proceed with the construction of the following works:

A water reservoir situate on part of lot number one, in the eighth Concession of the Township of Pelham, County of Welland, with cast iron water mains and all accessories extending from the said reservoir to the City of Welland and to all those parts of the said

Township and Village areas now agreed upon (the existing plans and specifications of which are approved) or to such other areas as may be hereafter approved by the said City and Board.

2. For the purpose of constructing the above mentioned works the Corporation shall borrow upon the credit of the Corporation \$200,000.00 and shall issue Debentures therefor in sums of not less than \$50.00 each.

3. Each Debenture shall bear interest at the rate aforesaid and set out in Schedule "A" attached to this By-law and shall have coupons attached thereto for payment of the said interest.

4. The Debentures shall all bear the same date and shall be issued at one time and within two years after the date of the final passing of this By-law and may bear any date within such two years and shall be made payable in twenty annual instalments and the respective amounts of principal and interest payable in each of the years shall be the amount designated in said Schedule "A" attached to and forming part of this By-law.

5. The Debentures shall be payable as to both principal and interest in lawful money of Canada and be made payable at such place or places in Canada as shall be designated thereon.

6. The said Debentures shall be sealed with the seal of the Corporation and signed by the head of the Council or by some other person authorized by By-law to sign the same and by the Treasurer. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

7. Commencing with the date of issue of the said Debentures, within the said two years and in each year thereafter, in which an instalment of principal of the said debt and the interest become due the Corporation shall levy and raise for the payment of the said principal and interest the specific sums shown for the respective years in said Schedule "A". Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon the rateable property within the said City of Welland.

8. The said Debentures may contain a clause providing for the registration thereof pursuant to Section 335 of The Municipal Act, R.S.O. 1950, Chapter 243.

9. Pending the sale of the said Debentures the head of the Council and the Treasurer may raise for the purpose aforesaid by way of loan on such Debentures, any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such Debentures for such loan.

10. The Corporation shall have the right, at its option, to redeem the said Debentures either in whole or in part on any date prior to maturity, at the places where and in the moneys in which the said Debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in The Ontario Gazette and once in a daily newspaper of general provincial circulation published in the City of Toronto and once in a local newspaper, if any, such notice to be advertised as aforesaid, at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for such redemption to each person in whose name a debenture so to be redeemed is registered, at the address shown in the Debenture Registry Book. Where only a portion of the Debentures of this issue is so to be redeemed such portion shall comprise only the Debentures that have the latest

maturity dates and no Debentures of this issue shall be called for such redemption on priority to any such Debenture that has a later maturity date.

READ a first and second time this 4th day of November, 1952.

DAVID J. THOMAS,
Mayor.

(Seal)

J. D. WATT,
Clerk.

READ a third time and finally passed this 16th day of December, 1952.

DAVID J. THOMAS,
Mayor.

Seal)

M. L. MCPHERSON,
Deputy Clerk.

Schedule "A"

Forming a part of By-law Number 2236

Year	Interest	Principal	Total
1.....	\$ 9,000.00	\$ 6,500.00	\$15,500.00
2.....	8,707.50	6,500.00	15,207.50
3.....	8,415.00	7,000.00	15,415.00
4.....	8,100.00	7,000.00	15,100.00
5.....	7,785.00	7,500.00	15,285.00
6.....	7,447.50	8,000.00	15,447.50
7.....	7,087.50	8,500.00	15,587.50
8.....	6,705.00	8,500.00	15,205.00
9.....	6,322.50	9,000.00	15,322.50
10.....	5,917.50	9,500.00	15,417.50
11.....	5,490.00	10,000.00	15,490.00
12.....	5,040.00	10,500.00	15,540.00
13.....	4,567.50	11,000.00	15,567.50
14.....	4,072.50	11,000.00	15,072.50
15.....	3,577.50	12,000.00	15,577.50
16.....	3,037.50	12,500.00	15,537.50
17.....	2,475.00	13,000.00	15,475.00
18.....	1,890.00	13,500.00	15,390.00
19.....	1,282.50	14,000.00	15,282.50
20.....	652.50	14,500.00	15,152.50
	<hr/> \$107,572.50	<hr/> \$200,000.00	<hr/> \$307,572.50

SCHEDULE B

P.F. C-8250

THE ONTARIO MUNICIPAL BOARD

Wednesday, the twelfth day of November, A.D. 1952

BEFORE:

W. J. MOORE, O.L.S.,
Vice-Chairman,

and

GEORGE A. LISTER,
Member.

IN THE MATTER OF Section 67 of "The Ontario Municipal Board Act" (R.S.O. 1950, Chapter 262), Section 298 (13) (d) of "The Municipal Act" (R.S.O. 1950, Chapter 243), and

IN THE MATTER OF an application by the Corporation of the City of Welland for authority to proceed with and raise \$200,000.00 for the construction of a reservoir in the Township of Pelham (including distribution mains) for the purposes of the residents of the City and areas in the Municipalities of the Townships of Thorold, Pelham, Crowland and Humberstone and the Village of Humberstone.

IT IS ORDERED, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that the said application be and the same is hereby approved, and that the Municipality may now proceed with the said undertaking, and may pass all requisite by-laws, including by-laws providing for the issue of Debentures, repayable over a term not exceeding twenty years.

AND IT IS FURTHER ORDERED, that the manner of giving notice of redemption as provided in the proposed debenture by-law number 2236 filed on this application be also approved.

(Seal)

W. J. MOORE,
Vice-Chairman.

SCHEDULE C

BY-LAW No. 1162

THE CORPORATION OF THE TOWNSHIP OF CROWLAND

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Crowland to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of Agreement dated April 1st, 1951;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Crowland as follows:

1. The Reeve and Clerk of the Municipal Corporation of the Township of Crowland are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto, and to affix the corporate seal thereto.

READ a first, second and third time and passed in Council this 17th day of July, 1951.

ELLIS P. MORNINGSTAR,
Reeve.
W. P. MARSHALL,
Clerk.

SCHEDULE D

BY-LAW No. 2136

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Crowland, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Crowland;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,
Mayor.

(Corporate Seal)

M. L. MCPHERSON,
Deputy Clerk.

SCHEDULE E

BY-LAW No. 56

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Crowland for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Crowland for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE ENACTED by the Board of Water Commissioners of the City of Welland:

1. That the entering into of the contract is hereby approved and authorized.

2. That the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,
Chairman.

(Corporate Seal)

P. M. DIXON,
Secretary.

SCHEDULE F

SCHEDULE F

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF CROWLAND, hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured blue on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured blue on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured blue on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in blue, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,
Chairman.
P. M. DIXON,
Secretary.

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP
OF CROWLAND:

ELLIS P. MORNINGSTAR,
Reeve.
R. MARSHALL,
Clerk.

(Corporate Seal)

(Corporate Seal)

THE CORPORATION OF THE CITY OF
WELLAND:DAVID J. THOMAS,
*Mayor.*M. L. MCPHERSON,
Deputy Clerk.

(Plan attached—shown in blue)

Schedule "A"

BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR CROWLAND TOWNSHIP

DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 10% will be allowed on above flat rates if paid in full,
on or before 17th day of month on which they become due.

BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

STORES, OFFICES, ETC.

(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurant (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

SCHEDULE G

BY-LAW No. 946

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE

Being a by-law to enter into an agreement with The Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient that the Township of Humberstone enter into an agreement with the Board of Water Commissioners for the City of Welland, which said agreement dated April 1st, 1951, provides for the construction of a Reservoir in order to assure an adequate supply of water in the area shown on the attached Plan;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Humberstone as follows:

1. That the Reeve and Clerk be authorized and instructed to sign on behalf of the Township, the agreement in duplicate, with the Board of Water Commissioners for the City of Welland dated April 1st, 1951, and attach the corporate seal thereto.

READ a first, second and third time and passed in Council this 16th day of July, A.D. 1951.

HARRY T. KRAMER,
Reeve.
ERNEST F. OTT,
Clerk.

(Corporate Seal)

SCHEDULE H

BY-LAW No. 2133

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Humberstone, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Humberstone;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,
Mayor.

(Corporate Seal)

M. L. MCPHERSON,
Deputy Clerk.

SCHEDULE I

BY-LAW No. 58

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Humberstone for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Humberstone for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,
Chairman.

(Corporate Seal)

P. M. DIXON,
Secretary.

SCHEDULE J

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY
OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF HUMBERSTONE,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, herein-
after called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured yellow on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured yellow on the plan attached hereto and made a part hereof will not establish or permit the establishment of any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured yellow on the attached plan, at approximately the same pressure as the same is supplied for residential purposes within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes within the City of Welland, after making due allowances however for usual friction and altitude loss.

8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-laws, or By-laws in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board, upon request, in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in yellow, having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,
Chairman.
P. M. DIXON,
Secretary.

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP
OF HUMBERSTONE:

HARRY T. KRAMER,
Reeve.
ERNEST F. OTT,
Clerk.

(Corporate Seal)

THE CORPORATION OF THE CITY OF
WELLAND:

DAVID J. THOMAS,
Mayor.
M. L. MCPHERSON,
Deputy Clerk.

(Plan attached—area shown in yellow)

Schedule "A"

Schedule "A"

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR HUMBERSTONE TOWNSHIP

DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount of 5% will be allowed on above flat rates if paid in full, on or before 17th day of month on which they become due.

BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

STORES, OFFICES, ETC.
(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

SCHEDULE K

BY-LAW No. 1351

THE CORPORATION OF THE TOWNSHIP OF PELHAM

A by-law for entering into a contract with the Board of Water Commissioners of the Corporation of the City of Welland.

WHEREAS numerous residents in the Township of Pelham desire to be supplied with water through pipes to be connected with the water distribution system of the City of Welland;

AND WHEREAS a petition has been circulated and signed by a large number of residents in the said Township, and the Council deems it expedient to enter into a contract with the Board of Water Commissioners of the Corporation of the City of Welland;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the draft Agreement hereunto annexed;

BE IT THEREFORE enacted by the Municipal Council of the Corporation of the Township of Pelham:

- 1. THAT the entering into of the proposed contract is hereby approved and authorized.
- 2. THAT the Reeve and Clerk be and they are hereby authorized and directed to sign the said proposed contract and to affix to it the Corporate Seal of the Municipality.

Read a first, second and third time and finally passed this 4th day of August, 1951.

(Corporate Seal)

H. E. KILMAN,
Reeve.

A. N. ARMBRUST,
Clerk.

SCHEDULE L

BY-LAW No. 2134

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Pelham, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Pelham;

AND WHEREAS the terms of the proposed agreement have been settled;

Now, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ a first time, read a second time, and read a third time and finally passed this second day of October, 1951. •

DAVID J. THOMAS,
Mayor.

(Corporate Seal)

M. L. MCPHERSON,
Deputy Clerk.

SCHEDULE M

BY-LAW No. 59

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Pelham for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Pelham for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,
Chairman.

(Corporate Seal)

P. M. DIXON,
Secretary.

SCHEDULE N

SCHEDULE N

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY
OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF PELHAM, here-
inafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, herein-
after called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of water elsewhere during the life of the said agreement for the water users in the area coloured green on the plan attached hereto;

NOW, THEREFORE, the parties hereto mutually covenant and agree:

1, 2 and 3. *These paragraphs are the same as paragraphs 1, 2 and 3, respectively, in the Agreement with Thorold Township—see Schedule R.*

4. The Township in the area coloured green on the plan attached hereto and made a part hereof will not establish, or permit the establishment of, any competing system, not purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. *This paragraph is the same as paragraph 5 in the Agreement with Thorold Township—see Schedule R.*

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured green on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7, 8, 9, 10, 11, 12 and 13. *These paragraphs are the same as paragraphs 7, 8, 10, 11, 12, 13 and 14, respectively, in the Agreement with Thorold Township—see Schedule R.*

14. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of The Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 18 shall apply.

15. *This paragraph is the same as paragraph 16 in the Agreement with Thorold Township—see Schedule R.*

16. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in green having regard to the available supply of water and the requirements from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

17, 18, 19, 20, 21 and 22. *These paragraphs are the same as paragraphs 18, 19, 20, 21, 22 and 23, respectively, in the Agreement with Thorold Township—see Schedule R.*

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,
Chairman.
P. M. DIXON,
Secretary.

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP
OF PELHAM:

H. E. KILMAN,
Reeve.
A. N. ARMBRUST,
Clerk.

(Corporate Seal)

THE CORPORATION OF THE CITY OF
WELLAND:

DAVID J. THOMAS,
Mayor.
M. L. MCPHERSON,
Deputy Clerk.

(Plan attached—shown in green)

Schedule "A"

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR PELHAM TOWNSHIP

DOMESTIC

Dwellings and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

STORES, OFFICES, ETC.

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration)—to be metered.	
Fish shops (with refrigeration)—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water power—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores with 2 toilets and basins.....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00

2" meter

2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

No discount allowed on above rates.

SCHEDULE O

BY-LAW No. 112

THE CORPORATION OF THE TOWNSHIP OF THOROLD

Being a by-law to enter into an agreement with the Corporation of the City of Welland and the Board of Water Commissioners for the City of Welland.

WHEREAS it is expedient for the Township of Thorold to enter into an agreement with the Welland Board of Water Commissioners and the City of Welland as per memorandum of agreement dated April 1st, 1951;

NOW THEREFORE be it enacted by the Municipal Corporation of the Township of Thorold as follows:

The Reeve and Clerk of the Municipal Corporation of the Township of Thorold are hereby authorized to execute an agreement dated April 1st, 1951, with the Welland Board of Water Commissioners and the City of Welland subject to plans relating to the said agreement being attached thereto.

READ a first, second and third time and passed in Council this 16th day of July, 1951.

HUGH H. SUMMERS,
Reeve.

(Corporate Seal)

D. C. COWAN,
Clerk.

SCHEDULE P

BY-LAW No. 2135

THE CORPORATION OF THE CITY OF WELLAND

Being a by-law to authorize the execution of an agreement between the Board of Water Commissioners of the City of Welland, the Township of Thorold, and the City of Welland for supplying water to the residents of the said Township.

WHEREAS it is expedient to enter into the attached agreement with the Board of Water Commissioners of the City of Welland and the Township of Thorold;

AND WHEREAS the terms of the proposed agreement have been settled;

NOW, THEREFORE, be it enacted by the Municipal Council of the Corporation of the City of Welland as follows:

1. THAT the entering into of the proposed agreement is hereby approved and authorized.

2. THAT the Mayor and Clerk be and they are hereby authorized and directed to sign the said agreement and to affix to it the Corporate Seal of the said Municipality.

READ^a a first time, read a second time, and read a third time and finally passed this second day of October, 1951.

DAVID J. THOMAS,
Mayor.

(Corporate Seal)

M. L. MCPHERSON,
Deputy Clerk.

SCHEDULE Q

BY-LAW No. 57

THE BOARD OF WATER COMMISSIONERS OF THE CITY OF WELLAND

For entering into a contract with the Corporation of the Township of Thorold for supplying water to the inhabitants thereof.

WHEREAS it is expedient to enter into a contract with the Corporation of the Township of Thorold for assuring a supply of water for the inhabitants of the said Township;

AND WHEREAS the terms of the proposed contract have been settled and are contained in the contract hereunto annexed;

BE IT THEREFORE enacted by the Board of Water Commissioners of the City of Welland:

1. THAT the entering into of the contract is hereby approved and authorized.

2. THAT the Chairman and Secretary be and they are hereby authorized and directed to sign the engrossment of the said contract and to affix to it the Corporate Seal of the said Board.

Passed this 24th day of July, A.D. 1951.

W. A. R. DAWSON,
Chairman.

(Corporate Seal)

P. M. DIXON,
Secretary.

SCHEDULE R

SCHEDULE R

MEMORANDUM OF AGREEMENT made (in duplicate) this 1st day of April, 1951.

BETWEEN:

THE BOARD OF WATER COMMISSIONERS FOR THE CITY
OF WELLAND, hereinafter called the "Board",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF THOROLD,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

THE CORPORATION OF THE CITY OF WELLAND, herein-
after called the "City",

OF THE THIRD PART.

WHEREAS the Board has been supplying several Municipalities, including the Township, with water upon the terms set forth in various agreements;

AND WHEREAS in order to insure a sufficient supply of water, not only for the City, but also the Township, it will become necessary for the Board to provide facilities, including lands and easements outside the boundaries of the City, in order to lay a twelve-inch trunk line, or lines, and to construct a Reservoir, known as the Welland Reservoir Project, to serve the City and Township and other Municipalities;

AND WHEREAS in order to insure the Board a continued source of revenue from water users to repay the City for a part of the necessary expenditures and to provide a permanent water supply, the parties hereto desire to enter into this agreement;

AND WHEREAS the Board owns and maintains at present the six-inch watermain on Thorold Road, east of Aqueduct Street;

AND WHEREAS the Township owns the six-inch watermain situate on Thorold Road between Aqueduct Street and Niagara Street and also the six-inch watermain situate on Wilson Road, south of Thorold Road;

AND WHEREAS the County of Welland claims to be the owner of the eight-inch and six-inch mains on Thorold Road between Niagara Street and the west limit of the Township, and also the six-inch main on the Township line, between Thorold and Pelham Townships from Thorold Road to the Children's Shelter on the said Township boundary line;

AND WHEREAS the Township is the owner of all other watermains within the Corporate limits of the said Township;

AND WHEREAS it is anticipated that when the Welland Reservoir Project is completed and when the Board's capital expenditures and present Bond indebtedness are substantially reduced, a more favourable rate structure to the Township may be possible;

AND WHEREAS the Township has signified its willingness not to enter into competition and not to purchase, or permit the purchase of, water elsewhere during the life of the said agreement for the water users in the area coloured red on the plan attached hereto;

Now, THEREFORE, the parties hereto mutually covenant and agree:

1. The Board shall continue to supply water to the water users of the Township for a period of twenty years from April 1st, 1951, at the

rates

rates set forth in Schedule "A" (as now agreed upon, or as agreed upon by revision from time to time) attached hereto and made a part hereof.

2. The Board will at the end of one year from completion of the Welland Reservoir Project and in any event not later than eighteen months from the 1st day of April, 1951, review and equitably adjust these rates in the light of the costs of and incidental to the costs of the construction of the Reservoir.

3. The Board will, if requested on three months' notice given on or before the 1st day of April, 1955, 1960, 1965 and 1970 again review these rates in the light of the existing capital expenditures and debenture debt of the Board.

4. The Township in the area coloured red on the plan attached hereto will not establish, or permit the establishment of, any competing system, nor purchase nor permit the purchase of water from anyone but the Board for the purpose of supplying the residents of this area. This shall not affect the rights of the individual residents to provide water for themselves through wells or springs.

5. The Board will maintain all watermains, valves, hydrants and other services within the limits or streets of the Township at the Board's expense and the Township hereby permits the Board to use any portion of the streets or highways, as may be necessary to install, repair, replace or provide service to water users but the Board will restore any streets or highways at its own expense, to their former condition.

6. The Board will supply water to the Township and its water users in the area above referred to, as shown coloured red on the attached plan, at approximately the same pressure as the same is supplied for residential purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for the usual friction and altitude loss.

7. The Board shall supply water for hydrants at approximately the same pressure as the same is supplied for hydrant purposes on the west side of the Welland Ship Canal within the City of Welland, after making due allowances, however, for usual friction and altitude loss.

8. The Board shall have the right to connect water services to Township watermains to supply residents of the City of Welland adjacent to the Township boundaries.

9. The Board agrees to supply water from its watermain on Thorold Road east of Aqueduct Street to water users on the north side of that part of Thorold Road.

10. In the event of an emergency the Board shall have the right at any time to control the water supply valves either in the City, or in the Township, or anything connected with the water supply, for the use or protection of the City, or any other necessary purpose. If such action shall become necessary and shall diminish or interrupt, or prevent the supply of water for the users for the Township, the Board shall not in any way be liable to the Township or its users for damages or otherwise.

This provision shall not be construed as giving the Board the right of discontinuing the water supply to the Township under this agreement except for the wilful failure, or refusal of the Township to comply with the provisions of this agreement, or any renewal thereof.

11. The Board shall not be liable except for its own gross negligence to the said Township, or its water users, by reason of any impurity, quality, or other defect in the said water supply.

12. The Township before extending its mains will advise the Board, giving particulars of location, size and quality of pipe and any other information that may be necessary for the Board or its engineer to give approval, and if the same meets with the approval of the Board, the Board

shall forthwith indicate its approval to the Township. It being understood that all mains extended or to be extended and constructed shall be done at the expense of the Township.

13. The Township will provide such easements as may be necessary along its own highways, or on any of its lands, and will assist in all ways possible to obtain easements on lands or highways not owned by the Township.

The Board may, with the approval of the Township, erect booster stations. The Board may install mains or trunk lines on the said highways or lands, and trench, repair and service the same; but will do the same in a good workmanlike manner, so as to interfere with the highway and the said lands as little as possible. The Board shall at all times keep its installations in proper repair, and shall save the Township harmless from any claim arising out of the installation and/or operation under this paragraph.

14. The Board shall at all times keep its trunk lines along the said highways, or easements, in a proper state of repair and will be responsible for any damages arising out of any default or neglect in this respect on the part of its servants or agent.

15. The Board shall collect all water rates chargeable under the terms of this agreement and shall determine the manner of, and may exercise any remedies for the collection of rates and their present By-law or By-laws, in operation in the City of Welland, shall for these purposes extend to the Township, together with any and all rights pursuant to the provisions of the Public Utilities Act of Ontario, R.S.O. 1950, Cap. 320, and the said Township covenants and agrees to co-operate and assist the Board upon request in the enforcement of the collection of the said rates. Nothing herein contained shall restrict the Board in the amendment of any By-law should any disagreement arise, the provisions of paragraph 19 shall apply.

16. Nothing herein contained shall render the Board liable to supply to the Township any water, if through strikes, breakdowns, floods or other causes beyond the Board's control, such supply shall be discontinued.

17. The Board reserves the right to refuse the supply of water to any additional areas in the Township beyond those designated in red, having regard to the available supply of water and the requirements, from time to time of the City, and the areas now served or designated.

Nothing, however, in this agreement shall prevent the Board from extending the supply of water to other areas of the Township, or any other Municipality which may be supplied by the Board in the future, if a sufficient water supply is available and such areas are prepared to pay in their rates, their proportionate share of any costs, or expenses, already incurred by the present parties under this agreement.

18. This agreement shall remain in full force and effect for a period of twenty years from the date hereof, and thereafter may continue in full force and effect from year to year, subject to six months' notice by either party of its intention to cancel same.

19. In the event that the Township or Board cannot agree upon such rates, the whole matter in dispute shall be referred to arbitration to the Ontario Municipal Board under the provisions set forth in The Municipal Act, R.S.O. 1950, Cap. 243.

As a condition precedent, however, to an application for arbitration under The Municipal Act, the parties in disagreement, or their nominees, shall meet or offer to meet and endeavour to adjust any differences before an application for arbitration shall be sought by either party.

20. The provisions for arbitration in this agreement shall apply not only to rates, but to any matters arising in disagreement between the parties hereto. Upon any arbitration in the fixing of water rates, such rates shall take into consideration the cost and repayment of any Deben-

tures issued by the Board in its extensions; issue and repayment of all Debentures; cost of water supplied—without limiting the generality of the word "cost". The same shall include leases and rentals paid by the Board to the Dominion Government and others for raw water; the cost of pumping; reserve for depreciation, replacements, obsolescence, and extensions; administration cost, salaries, and all other reasonable operating expenses.

21. No revision of rates shall be made that imposes upon the Township, rates that exceed the present ratio of rates between the Township rates and the City of Welland rates.

22. It is understood that this entire agreement is subject to the Board being able to proceed with the Reservoir Project hereinbefore referred to. If for any reason the Board through the absence of concurrence on the part of the Municipal Board, the Department of Transport, the City of Welland, or any other Municipality whose concurrence is necessary, or by reason of prohibitive costs or shortage of materials, deems it inexpedient to proceed with such project, then this agreement shall be null and void at the expiration of 90 days from the date when the Board gives notice to that effect.

23. Pursuant to the provisions of Sections 11 and 41 of the Public Utilities Act, R.S.O. 1950, Cap. 320, the City by these presents hereby consents to the execution and carrying out of this agreement by the Board.

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective corporate seals to be hereunto affixed, attested by the hands of their proper officers duly authorized by By-law the day and year first above written.

(Corporate Seal)

THE BOARD OF WATER COMMISSIONERS
FOR THE CITY OF WELLAND:

W. A. R. DAWSON,
Chairman.
P. M. DIXON,
Secretary.

(Corporate Seal)

THE CORPORATION OF THE TOWNSHIP
OF THOROLD:

HUGH H. SUMMERS,
Reeve.
D. C. COWAN,
Clerk.

(Corporate Seal)

THE CORPORATION OF THE CITY OF
WELLAND,

DAVID J. THOMAS,
Mayor.
M. L. MCPHERSON,
Deputy Clerk.

(Plan attached—area shown in red)

Schedule "A"

THE BOARD OF WATER COMMISSIONERS, WELLAND, ONT.

SCHEDULE OF WATER RATES FOR THOROLD TOWNSHIP

DOMESTIC

Dwelling and apartments not exceeding 6 rooms.....	\$18.00 per year
Each additional room.....	2.00 per year
Each extra bath or each extra water closet.....	2.00 per year

Discount

Discount of 5% will be allowed on above flat if paid in full, on or before the 17th day of month on which they become due.

BUILDING RATES

Service for new building installed to street line at cost. Deposit...\$30.00

STORES, OFFICES, ETC.
(No discount)

Bakeries or bake shops (large)—to be metered.	
Bakeries or bake shops (small).....	\$27.00 per year
Butchers (without refrigeration).....	27.00 per year
Butchers (with refrigeration—to be metered.	
Fish shops (without refrigeration).....	27.00 per year
Fish shops (with refrigeration)—to be metered.	
Blacksmith shops.....	14.00 per year
Banks.....	18.00 per year
Billiard, pool rooms, bowling alleys and greens.....	22.00 per year
Barber shops and beauty parlours.....	18.00 per year
Offices (with only 1 basin and toilet).....	14.00 per year
Confectionery and ice cream stores.....	18.00 per year
Churches and religious meeting rooms.....	2.50 per year
Drug stores.....	18.00 per year
Dairies—to be metered.	
Grocery stores (without refrigeration).....	14.00 per year
Drinking fountains with continuous flow—to be metered.	
Fountains, parks or ponds—to be metered.	
Dentists' offices with 1 sink or basin and fountain.....	18.00 per year
Elevators or other machinery operated by water—special rate.	
Photographers' galleries.....	\$22.00 per year
Pop factories—to be metered.	
Department stores (with 2 toilets and basins).....	26.00 per year
Lodge rooms.....	14.00 per year
Steam boilers—to be metered.	
Restaurants (large)—to be metered.	
Restaurants (small).....	22.00 per year
Laundries—to be metered.	
Skating rinks—special rates.	
Schools, Board of Education—special rates.	
Factories—to be metered.	
Public garages, gasoline or filling stations.....	26.00 per year
Barns with horse or cow.....	6.00 per year
Each additional horse or cow.....	4.00 per year

METER WATER RATES
(No discount)

Per day:	Per 1,000 gals.
Up to 500 gallons.....	\$0.24
500 to 2,000 gallons.....	.20
2,000 to 10,000 gallons.....	.16
10,000 gallons to 20,000 gallons.....	.12
Over 20,000 gallons.....	.10

METER RENTALS

All meters to be supplied by the Commission on rental basis as follows:

Minimum charge of meter per year less than 1".....	\$10.00
1" meter.....	20.00
1½" meter.....	30.00
2" meter.....	35.00
2½" meter.....	40.00
3" meter.....	54.00
4" meter.....	72.00
6" meter.....	84.00

CHAPTER 135

An Act respecting the City of Windsor

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Corporation of the City of Windsor ^{Preamble} by its petition has represented that on the 6th day of November, 1951, By-law No. 949 was passed by the council of the Corporation for submitting to the electors the question: "Are you in favour of changing the present method of annual elections so that all the members of Council, the Utilities Commission and the two School Boards will be elected every second year?", and that on the 7th day of November, 1952, By-law No. 1020 was passed by the said council for submitting to the electors the question: "On the proposal to commence in December, 1954, the approved plan to hold elections every second year, are you in favour of a 1-year extension of the terms of office of those members of Council and the Utilities Commission whose terms will expire on December 31st, 1953, saving the expense of an election in 1953?"; and that the said questions were submitted to the electors on the 3rd day of December, 1951, and the 1st day of December, 1952, respectively, and a majority of the electors voted in the affirmative on each question; and that the council is desirous of carrying into effect the wishes of the electors; and whereas the Corporation has prayed for special legislation to effect such purpose and in respect of the several other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 2 of *The City of Windsor (Amalgamation) Amendment Act, 1936*, is repealed ^{1935, c. 74, s. 6, subs. 3 (1936, c. 66, s. 2), re-enacted} and the following substituted therefor:

- (3) The mayor, controllers and aldermen shall be elected ^{Term of office} biennially and shall each hold office for a term of two years, provided that all the elected members of the council in office on the day this subsection

comes

comes into force shall hold office until the 31st day of December, 1954.

1935,
c. 74, s. 12,
subs. 2
(1941,
c. 86, s. 3),
re-enacted

2. Clauses *a* and *b* of subsection 2 of section 12 of *The City of Windsor (Amalgamation) Act, 1935*, as re-enacted by section 3 of *The City of Windsor Act, 1941*, are repealed and the following substituted therefor:

Utilities
commission,
constitution

(a) The Windsor Utilities Commission shall be composed of the mayor of the new city, who shall hold office *ex officio*, and four members to be elected by general vote for the term of two years; provided that all the elected members of the Commission in office on the day this clause comes into force shall hold office until the 31st day of December, 1954.

Election

(b) The election of members of The Windsor Utilities Commission shall be held biennially at the same time and place as the biennial municipal elections for the new city.

Voters'
lists
1951,
c. 93

3. Notwithstanding the provisions of *The Voters' Lists Act, 1951*, the clerk of The Corporation of the City of Windsor shall not be required to prepare a voters' list of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor to be voters, in any year in which a municipal election is not held.

Retiring
allowances
validated

4. The retiring allowances in the amounts of \$806.04 and \$748.80 per annum granted or purporting to have been granted on the 1st day of April, 1951, by the council of The Corporation of the City of Windsor to the former Chief Constable Claude Renaud and the former Deputy Chief Constable William H. Neale, respectively, each of whom was retired prior to the 1st day of April, 1951, are hereby validated and confirmed and declared to be, and always to have been, legal, valid and binding upon the Corporation and the rate-payers thereof, and the Corporation may continue to pay the retiring allowances aforesaid until the death of each of the persons above named.

Power to
expend
\$25,000
for cen-
tenary
celebration

5.—(1) The council of The Corporation of the City of Windsor may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the City in celebration of the centenary of the incorporation of the City of Windsor and may, by resolution, provide that the control and expenditure of the said sum, or any part thereof, shall be entrusted to and vested in the Windsor Centennial Festival Incorporated (hereinafter called the corporation), a corporation without share capital incorporated under *The Companies Act* for the

Rev. Stat.,
c. 59

purpose

purpose of carrying out the centenary celebration, with power to the corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the corporation.

(2) The net revenues derived by the corporation from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City, and such revenues shall form part of the current revenues of the City.

Revenues
to be paid
to clerk

(3) Notwithstanding the provisions of subsection 1, if the corporation expends more than \$25,000, the council may pay additional sums, not exceeding \$25,000, out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Reserve of
\$25,000

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The City of Windsor Act*, 1953.

Short title

CHAPTER 136

An Act to incorporate The Young Men's and Young Women's Christian Association of London

*Assented to April 2nd, 1953
Session Prorogued April 2nd, 1953*

WHEREAS The Young Men's and Young Women's ^{Preamble} Christian Association of London by its petition has represented that The London Young Men's Christian Association and the Young Women's Christian Association of London have united and become amalgamated in one association under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association has prayed that an Act be passed incorporating the Association as a body corporate and politic under the name of "The Young Men's and Young Women's Christian Association of London"; and whereas the Association is governed by a constitution and by-laws which have received the assent of the members of the Association; and whereas it is desired to define the powers of the Association; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Morley Aylesworth, Albert E. Silverwood, Hukhana ^{Incorporation} Detwiler, Lula B. McWilliams, Florence J. Buchanan, Marion Currie, Maurice E. George and J. Allyn Taylor and such other persons as are now members of the Association or hereafter become members of the body corporate hereby created are hereby constituted a body politic and corporate under the name of "The Young Men's and Young Women's Christian Association of London", herein referred to as the "Association".

2.—(1) The objects of the Association shall be the spiritual, ^{Objects} mental, social, educational and physical welfare and improvement of young men, boys, young women and girls, by the erection, operation, maintenance and support of buildings, rooms, libraries, gymnasiums, swimming pools, dormitories, restaurants, cafeterias, athletic quarters and grounds, aquatic facilities,

facilities, recreation facilities, summer camps, the holding, maintenance and support of meetings, lectures and educational instructions and courses and for such other matters as may from time to time be determined.

Branch
associations

(2) The Association shall have power to establish, maintain and operate branch associations in the City of London and in the vicinity of the said City.

Constitution
and by-laws

3. The constitution and by-laws by which the Association is now governed shall be the constitution and by-laws of the Association and they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the terms, conditions and provisions therein stated.

Officers and
directors

4. The officers and directors of the Association in office at the time this Act comes into force shall be the officers and directors of the Association and shall continue in their respective offices until their successors are elected or appointed, in accordance with the constitution and by-laws of the Association.

Vesting
of property

5. All real and personal property belonging to or held in trust for the Young Women's Christian Association of London and The London Young Men's Christian Association is and shall henceforth be vested in the Association to be held, used, administered and disposed of, subject to the provisions of this Act and in accordance with the constitution and by-laws of the Association.

Existing
debts, etc.

6. The Association and all its property shall remain liable for the payment or satisfaction of any debts or obligations heretofore contracted or incurred in the same manner and to the same extent as if this Act had not been passed.

Real
property

7. The Association shall have power to acquire and hold in the City of London and in any other municipality any real property or any estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and to apply the proceeds of any such property for the purposes of the Association; provided that no land at any time acquired by the Association and not required for its actual use and purposes or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee or trustees on its behalf, for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

8. The council of a municipality may pass by-laws exempting from taxes for municipal or school purposes or both, other than local improvement charges, the land, as defined in *The Assessment Act*, of the Association, provided that the land is owned by the Association and occupied by, used solely and carried on for the purposes of the Association, on such conditions as may be set out in the by-law.

Exemption
from
taxation

Rev. Stat.,
c. 24

9. The Association shall have power to borrow money for its purposes upon its credit and shall have power to mortgage, hypothecate or pledge any of its real or personal property as security for any loan.

Borrowing
powers

10. The Association shall have power to establish an endowment fund or funds for any of its purposes and shall have power to create such funds out of its own moneys or securities for moneys and out of any subscriptions, gifts, donations and bequests under such trust, regulations and conditions in respect thereto as may from time to time be determined by the board of directors of the Association.

Endowment
fund

11. The Association shall have power to lend, invest and reinvest any of its funds and moneys in any securities from time to time authorized by law as investments for trust funds.

Loans and
investments

12. The Association shall have power to establish, aid or support such courses in technical, vocational or trades education as the board of directors of the Association may from time to time determine.

Educational
courses

13. The following are repealed:

Repeal

- (a) *An Act to incorporate The London Young Men's Christian Association*, being chapter 115 of the Statutes of Ontario, 1899.
- (b) *An Act to incorporate the Young Women's Christian Association of London, Ontario*, being chapter 124 of the Statutes of Ontario, 1905.
- (c) *The London Young Women's Christian Association Act*, 1927.

1899, c.115

1905, c. 124

1927, c. 147

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. This Act may be cited as *The Young Men's and Young Women's Christian Association of London Act, 1953*.

Short title

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Third Session, Twenty-Fourth Legislature 2 Elizabeth II, 1953

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